

rhetoric may not lead to action, Ms. DeVos said, "No, there is a sense of urgency indeed."

Betsy DeVos Mocked For Messy '60 Minutes' Interview

By Joy Resmovits

Los Angeles Times, March 12, 2018

U.S. Secretary of Education Betsy DeVos — who has been on the job more than a year — has been taking extensive criticism over an interview Sunday night on "60 Minutes" during which she appeared to stumble over answers.

In one exchange, DeVos, who has slammed America's public schools as severely underperforming, said she hasn't "intentionally" visited such schools in her home state of Michigan. When interviewer Lesley Stahl suggested that DeVos should visit more challenging schools, DeVos responded, "Maybe I should."

When DeVos tried to argue that America's public schools haven't benefited from an infusion of money, Stahl pushed back, saying test scores have actually increased. DeVos defended her argument by saying America's schools have stagnated relative to those of international competitors.

In and around Los Angeles:

Schools are preparing for Wednesday's walkouts against violence.

L.A. Unified made sure 4,000 students didn't have to pay the \$60 fee for taking the SAT last week.

Ismael Chamu looks the part of a typical college student, with his backpack, black jeans and stylish fade haircut. But he bears extraordinary burdens.

In the last 18 months, he has slept on couches and floors, in trailers and attics. Since November, he and his 20-year-old brother Edward have rented the 20-foot-by-8-foot mobile home, parked in a Hayward driveway. His sisters joined them in January after their parents fell on hard times in the Central Valley and were forced to live in their car.

A sixth-grader died Tuesday after collapsing during a physical education class at Dodson Middle School in Rancho Palos Verdes.

School staff declined to answer questions about the incident, but the Los Angeles Unified School District released the text of a recorded message sent to parents.

California's top education official and more than 60 of the state's top teachers have sent a message to President Trump: Guns do not belong in schools.

State Superintendent of Public Instruction Tom Torlakson and the large group of California Teachers of the Year wrote an open letter to Trump on Thursday, telling him that arming teachers is not the answer to school violence.

After the Feb. 14 shooting at Marjory Stoneman Douglas High School in Parkland, Fla., President Trump suggested having teacher carry guns.

In and around Los Angeles:

Schools across L.A. are celebrating International Women's Day.

Cal State Fullerton announced a \$50,000 grant from Mercury Insurance for the women's leadership program in its business school.

As Los Angeles schools and others this week observe the 50th anniversary of the East L.A. walkouts, when thousands of Mexican American students marched to demand a better education, much attention has focused on those who became known as the Eastside 13.

But who were the Eastside 13?

In and around Los Angeles:

New York's dramatic search for a new schools chief has removed two big-name candidates from the pool of potential Los Angeles Unified candidates.

In California:

Education Secretary Betsy DeVos toured Marjory Stoneman Douglas High School in Parkland, Fla., on Wednesday to offer her support after last month's mass shooting, but some students panned the visit for failing to provide more access to student journalists.

On Tuesday, DeVos' office said the visit would be closed to media "out of respect for the students and faculty" who returned for their first full day of class at the South Florida campus since the Feb. 14 shooting that left 17 people dead.

At a short news conference after the visit, DeVos said she met with "a small group of students that are having a particularly tough time." She said their faces lit up when she asked them about the comfort dogs dispatched to their school.

For a while, the nation's three largest school systems all were on the hunt for new leaders, but now Los Angeles has the only vacancy.

On Monday, New York Mayor Bill de Blasio named Houston schools Supt. Richard A. Carranza as chancellor of the nation's largest school district. In January, homegrown administrator Janice K. Jackson got the top job in Chicago, the third-largest district, about a month after being named interim chief executive.

Betsy DeVos Crashes, Burns In '60 Minutes' Interview

By Nancy Kaffer

Detroit Free Press, March 12, 2018

Betsy DeVos, folks!

The stuttering incoherence and total lack of even casual familiarity with the state of education back home on display

Sunday night during the U.S. Secretary of Education's interview with 60 Minutes' Lesley Stahl?

That's the woman whose firm-but-horribly-misguided hand has directed education policy here in Michigan since the 1990s.

STAHL: Why take away money from that school that's not working — to bring them up to a level where they are, that school is working?

DeVOS: Well, we should be funding and investing in students, not in school, school buildings, not in institutions, not in systems.

And that's the kind of profound insight that gets the Michigan Legislature to say "How high?" when DeVos says "Jump!"

Pair it with humdingers like this, and it explains an awful lot about why we're not doing so hot:

STAHL: No, but your argument that if you take funds away that the schools will get better is not working in Michigan, where you had a huge impact and influence over the direction of the school system here.

DeVOS: I hesitate to talk about all schools in general because schools are made up of individual students attending them.

STAHL: The public schools here are doing worse than they did.

DeVOS: Michigan schools need to do better. There is no doubt about it.

Schools, yes, are made up of individual students. Who go to school in buildings, run by systems, using books and materials and taught by teachers. To invest in students requires investing in the array of people and things that enable classroom instruction to happen — in the same way that, say, investing in a child who lives in your home requires funding a safe, secure space to live in, food to eat and clothing to wear.

Related:

Does that mean you're investing in things, not in the child itself? Sure, but they're things for the child — and I'm a little confused by what else she thinks should go on, given that there's not really any evidence that pinning hundred-dollar bills to a kid's shirt results in better educational outcomes.

And yet! DeVos is the chief architect and funder of Michigan's school choice movement, now siphoning a billion dollars a year from traditional public schools to fund charter schools and enable schools of choice — that is, traditional public schools that open enrollment to students from other geographic areas. DeVos is also an avid supporter of vouchers, which allow parents to pay private- or parochial-school tuition with tax dollars.

Kaffer: Like your kid's school? What do you know?

The theory behind unfettered choice is that traditional schools will be forced to improve once they are subjected to competition.

It does not work that way. At least, it hasn't in Michigan, where the traditional public schools that lose funding and students to choice don't get better — an empirical fact that that continues, it seems from Sunday's interview, to be lost on DeVos.

I mean, education circles don't exactly buzz about the Michigan miracle, unless our rapid drop from the middle of the middle to the bottom of the bottom on most school rankings is chat-worthy. The states most frequently discussed as places you'd like to emulate, education-wise, are Massachusetts, Florida and Tennessee. We talk a lot, here in Michigan, about being more like those states, but don't make the kinds of investments that would lead to real improvement, which most people agree requires some form of: Picking some standards and sticking with them; training, supporting and paying teachers; understand that children have different needs and fund accordingly.

Nor was it surprising that DeVos told Stahl that she hasn't visited those Michigan schools whose performance has plummeted as a result of the reforms she's promoted:

STAHL: Have you seen the really bad schools? Maybe try to figure out what they're doing?

DeVOS: I have not, I have not, I have not intentionally visited schools that are underperforming.

STAHL: Maybe you should.

DeVOS: Maybe I should. Yes.

A few years back, I asked DeVos' representative if I could sit down with the future U.S. Secretary of Education, then just an incredibly wealthy and influential Republican megadonor, to discuss why, exactly, it is so important to her to reshape public education — particularly because the majority of the children DeVos' preferences impact are hundreds of miles, both literally and figuratively, from Grand Rapids, the community she calls home. Her representative declined on DeVos' behalf.

But I'd still like to know.

My door is still open, call anytime.

In the meantime, Mrs. DeVos, if you'd like to try that thing with the hundreds, I will personally meet you at any school in Detroit with a box of safety pins.

After all, it couldn't work out more poorly than what you've done already.

Betsy DeVos Accuses '60 Minutes' Of Selective Editing, Omissions After Rocky Interview

Education Secretary mocked by left after segment, called unqualified

By Valerie Richardson

Washington Times, March 12, 2018

Education Secretary Betsy DeVos pushed back Monday after being reamed by the left for her choppy "60 Minutes" interview, accusing the show of ignoring test-score data she provided beforehand and pointing to selectively edited footage.

The CBS segment implied that Ms. DeVos had no answer after she was asked at a Harvard forum how much money she would make from her school-choice policies, a clip that ended with the moderator saying, "You can choose not to answer that, Secretary."

Ms. DeVos released the original video afterward showing that she did respond, telling the audience that she had written many checks over the years to support school choice and that "the balance on my income has gone very much the other way."

Yet another thing you didn't see on @60Minutes: I did respond to this misguided question. Every student should have the opportunity to learn in the way and at the pace that best fits their unique needs, regardless of zip code or family income. pic.twitter.com/LbXjOcSkH2 — Betsy DeVos (@BetsyDeVosED) March 12, 2018

In a testy exchange about Michigan's school-choice programs, host Lesley Stahl told Ms. DeVos that "the whole state is not doing well" and that "your argument that if you take funds away that the schools will get better is not working in Michigan."

Ms. DeVos later posted reports on Twitter showing that test scores have stagnated in Michigan schools, while students in Detroit charter schools "performed twice as well as those in traditional public schools," according to Michigan Public Radio.

"The reforms are helping, but there's so much more to do," tweeted Ms. DeVos. "We must help all students be better prepared for strong futures."

Here's what we shared with @60Minutes, which of course they didn't show you: Michigan, like much of the nation, isn't doing well enough to prepare students. Scores are stagnant. Students need more options, and we must rethink our approach to education. pic.twitter.com/GJ0kdI2GPE — Betsy DeVos (@BetsyDeVosED) March 12, 2018

The damage was done, however, as Democratic lawmakers, journalists, progressives and teachers' unions took to social media to rip Ms. DeVos, calling her uninformed, unqualified — and worse.

Rep. Jared Huffman, California Democrat, mocked her as "[r]ich, white and dumber than a bag of hammers," while Sen. Elizabeth Warren, Massachusetts Democrat, said "she needs to be held accountable."

Dear President Trump, if you want to meet someone who has an actual IQ problem (as opposed to just being black), meet your Education Secretary Betsy DeVos. Rich,

white, and dumber than a bag of hammers. <https://t.co/hrkNuF1OQW> — Rep. Jared Huffman (@JaredHuffman) March 12, 2018

If you have any doubt that @BetsyDeVosED is completely unqualified to run the Department of Education — you should take a look at her recent interview with @60minutes. <https://t.co/eNmzflbUol> — Elizabeth Warren (@SenWarren) March 12, 2018

"Betsy DeVos is clearly unqualified to be in charge of such an important responsibility—the future of our kids. She should not be in this job," tweeted Sen. Kamala Harris, California Democrat.

We tried to warn you! @BetsyDeVosED was a horrifying prospect for public schools, by Erika Wozniak, a Chicago public school teacher and member of the Chicago Teachers Union. <https://t.co/E8XJ4HgHBj> — AFT (@AFTunion) March 12, 2018

Her conservative defenders accused "60 Minutes" of waging a biased attack on Ms. DeVos complete with frequent references to her wealth—she's a billionaire—and a dig at her "sheltered life in Michigan."

CBS, where the words "devout Christian" and "most hated" flow together easily. <https://t.co/gWF3goqJU0> — Brent Bozell (@BrentBozell) March 12, 2018

"The 13 minute segment was heavy on critics who despise DeVos," said the Media Research Center's Scott Whitlock. "Stahl knocked the Education Secretary at every turn, bringing up her wealth and describing the journey 'from her sheltered life in Michigan to her life now as a lightning rod in Washington.'"

Bad start that @LesleyRStahl introduced her @BetsyDeVos interview saying DeVos called public schooling a "dead end." That's a teacher union talking point, it takes the original quote out of crucial context, & full DeVos quote is really on to something <https://t.co/xSnR2zyDVO> — Neal McCluskey (@NealMcCluskey) March 12, 2018

Bruce Riley Ashford, provost of Southeastern Baptist Theological Seminary, said that while Ms. DeVos "did struggle to answer some questions on the spot, the substance and tone of the criticisms are inaccurate and unfair."

Why do secular progressives hate Betsy DeVos? Why are they waging a holy war against her? My latest at @FoxNews@FoxNewsOpinion <https://t.co/Lt2dJHKy9m> — Bruce Ashford (@BruceAshford) March 12, 2018

The interview ran the day before Ms. DeVos was named by President Trump to head the Federal Commission on School Safety, aimed at finding ways to combat mass shootings on campuses.

In one much-criticized exchange, Ms. Stahl asked if she had visited any "really bad schools," and when Ms. DeVos said no, the interviewer replied, "Maybe you should."

"Maybe I should. Yes," said the secretary.

Ms. DeVos later released a map of her 60 school visits taken in her first year of office, noting that most of them were traditional public schools.

I love great public schools, and I love great teachers. Public schools will always be a critical part of the mix in American education. I don't care where you go to school, as long as where you go to school works for you. #60Minutespic.twitter.com/pLTCgM7kEU — Betsy DeVos (@BetsyDeVosED) March 11, 2018

The Unappreciated Genius Of Betsy DeVos

By Dana Milbank

Washington Post, March 12, 2018

Betsy DeVos gives every indication that she is, to borrow President Trump's phrase, a "low-IQ individual." Her interview with Lesley Stahl of CBS's "60 Minutes," broadcast Sunday night, is being mocked as the most disastrous televised tete-a-tete since Palin met Couric.

But this unabashed ignorance is DeVos's hidden genius — and precisely why she is a perfect choice to be Trump's secretary of education.

Whenever DeVos speaks, it feels as though the sum total of human knowledge is somehow diminished. During her confirmation hearing last year, she was utterly defeated by complex subjects such as "teachers" and "students" but was certain that schools need guns to repel attacks by "potential grizzlies."

After a (too-quiet) first year on the job, DeVos is back, letting her foolish flag fly. Interviews with DeVos broadcast Sunday night and Monday morning by CBS and NBC show that she's performing below grade level in all subjects — and her deviation below the mean is anything but standard.

Have the public schools in her home state of Michigan improved?

"I don't know."

Are the number of sexual assaults equivalent to the number of false accusations?

"I don't know. I don't know."

Why is she known as the most hated Cabinet secretary?

"I'm not so sure exactly."

Has she visited bad schools?

"I have not. I have not. I have not intentionally visited schools that are underperforming."

Stahl offered a suggestion: "Maybe you should."

"Maybe I should, yes," agreed DeVos, who also expressed her reluctance "to talk about all schools in general, because schools are made up of individual students."

Yes, and brains are made up of individual brain cells, many of which self-destruct upon hearing DeVos speak. Listen to her for five minutes and you will no longer be able to complete the New York Times crossword puzzle. After 10 minutes of DeVos, the human brain loses the ability to

perform simple arithmetic. After 15 minutes, those in the presence of DeVos report forgetting the answers to their security questions, including first pet and first car.

All this proves that it is sheer (if perhaps unintentional) genius to have DeVos, who married into the Amway fortune, in her role in the Trump administration. If this is the caliber of the top education official in the land, it hardly speaks well for getting an education. People could quite reasonably conclude that education isn't all it's cracked up to be, and they wouldn't go to all the trouble of attending school.

As it happens, this is exactly what Trump needs to secure the future of his political movement. For Trump, the fewer people who get an education, the better off he will be. Exit polls showed a huge education gap in the 2016 election. College graduates favored Hillary Clinton by nine percentage points, while those without college degrees favored Trump by eight points. That 17-point gap was "by far the widest" dating to 1980, according to the Pew Research Center.

The danger for Trump is more Americans are going to college. The National Center for Education Statistics, part of DeVos's Education Department, predicts enrollment of full-time students in degree-granting postsecondary institutions, up 38 percent between 2000 and 2014, will climb an additional 15 percent by 2025.

Thankfully, DeVos is doing all she can to combat this noxious scourge of people going to school. DeVos, who once said traditional public education is a "dead end," is proving by example as the nation's top educator that education generally is a dead end.

Early on, she said she was "confused" at her confirmation hearing about federal disability laws, and she didn't seem to know the difference between "growth" and "proficiency." After her full year of on-the-job learning, though, DeVos's appearance Sunday on "60 Minutes" showed no diminution in her ineptitude.

There she was again on NBC's "Today" show Monday, armed with two things to say — "everything is on the table," and things are "best decided by local communities and by states" — and she recited these rote phrases to Savannah Guthrie no fewer than six times during the brief interview, regardless of relevance to the question.

How does such a high-level official maintain such a low level of learning? Well, consider that DeVos, whose brother Erik Prince founded the Blackwater mercenary outfit, jettisoned the Education Department's usual security in favor of round-the-clock protection by U.S. marshals for \$6.5 million a year.

Apparently, this security team has been able to create an impermeable zone of ignorance around DeVos. It's downright brilliant.

Judge Rules Trump Administration Failed To Comply With Obama Smog Rules

Associated Press, March 12, 2018

SAN FRANCISCO — A federal judge says the Trump administration violated federal law when it failed to meet a deadline to identify all parts of the U.S. with dangerous smog levels.

U.S. District Judge Haywood Gilliam on Monday ordered the U.S. Environmental Protection Agency to complete the designations by the end of April.

His ruling was for two lawsuits, including one filed by California, thirteen other states and the District of Columbia.

The agency had until October 1, 2017 to designate what parts of the country were in and out of compliance with smog standards adopted during the Obama administration.

The designations trigger a process that forces polluted regions to take steps to improve air quality.

An email seeking comment sent to the U.S. Department of Justice was not immediately returned.

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The Court Just Dealt Another Blow To Trump's Reshaping Of EPA

By Michael Bastasch

Daily Caller, March 12, 2018

The U.S. Court for the District of Northern California ruled the Environmental Protection Agency (EPA) broke the law by missing a regulatory deadline for ozone regulations the Obama administration imposed.

Environmentalists sued President Donald Trump's administration for not announcing which parts of the country were out of compliance with smog regulations. EPA Administrator Scott Pruitt was supposed to issue the determinations in October but delayed his announcement.

"There is no dispute as to liability: Defendants admit that the administrator violated his nondiscretionary duty under the Clean Air Act to promulgate by October 1, 2017 initial area air quality designations," Judge Stirling Gilliam Jr. wrote in his opinion, *The Hill* reported.

The Justice Department admitted in a recent legal filing that EPA missed the deadline set for issuing regulatory determinations under the Clean Air Act. EPA will soon have to make public which areas of the country are in compliance with ozone regulations.

It's a setback for the Trump administration's deregulatory agenda but probably only a small one. Officials have been trying to roll back the Obama-era ozone rule for months, but legal challenges from environmental groups and states have kept the regulation alive.

The Trump administration initially suspended the 2015 ozone regulation, but the administration reversed course in August. The ozone rule has been locked in litigation since its finalization in 2015.

EPA put stricter ozone regulations in place in 2015, bringing national limits from 75 to 70 parts per billion. Counties out of compliance have to find ways to reduce smog levels, which can lead to burdensome costs.

Pruitt is likely working to repeal the ozone rule. Industry groups have called it one of the most expensive air quality regulations ever.

EPA estimated lowering ozone concentrations would cost \$2 billion, including California's compliance costs. The ozone rule benefits range from \$3.1 billion to \$8 billion, EPA said, but most benefits come from reducing fine particulate matter — not lower ozone levels.

A 2014 National Association of Manufacturers (NAM) study found a 65 parts per billion ozone standard would cost \$1.13 trillion from 2017 to 2040. While not as low, the 2015 ozone standard would likely stack up in the hundreds of billions based on NAM's report.

National Academies Give Thumbs Up To Climate Report Once Thought To Be Suppressed By Trump

By John Siciliano

Washington Examiner, March 12, 2018

The National Academies of Sciences on Monday gave a thumbs up to a congressionally mandated report on climate change, which scientists had feared would be suppressed by the Trump administration.

The National Academies' committee that reviewed the draft of the Fourth National Climate Assessment said it was "impressed by the accuracy of information and thorough discussion of the predominant aspects of climate change and impacts presented in the draft," according to a summary of the committee's findings.

"The 1,506-page draft report provides a strong foundation of climate science and a solid discussion of climate change impacts occurring or likely to occur in the United States," the report stated.

The National Academies of Sciences, the nation's premier scientific institution, was asked to review the report by the U.S. Global Change Research Program, created by the government to track the effects of climate change.

It is the fourth assessment to be drafted by the research program since its creation 25 years ago. The draft version of the report is being finalized before being delivered to Congress at the end of the year. The National Academies review is a key milestone.

Scientists working on the report had feared that it would be suppressed by the Trump administration, given President

Trump's opposition to climate change and June decision to leave the Paris climate change deal.

Trump administration officials said those fears were unfounded, pointing out that the report was available publicly on the climate program's website and no efforts were made to suppress its findings.

The draft climate assessment concludes that climate change is caused by man-made activity, such as the burning of fossil fuels, which is making severe weather more frequent and causing the oceans to rise.

Although the National Academies supports the findings, it recommends changes to the draft climate assessment that would enhance "its ability to reach broad audiences."

It recommends that the climate researchers improve the "communication of key aspects of the draft report," providing more examples of actions taken by business, public-private partnerships, and government to illustrate the efforts taken to address the effects of climate change and its associated risks.

The Government Is Close To Finishing A Major Climate Change Report. Trump Won't Like It

By Chris Mooney

Washington Post, March 12, 2018

The country's top independent scientific advisory body has largely approved a major climate report being prepared by scientists within the Trump administration — suggesting that another key government document could soon emerge that contradicts President Trump's skepticism about climate change and humans' role in driving it.

The U.S. National Academies on Monday released a public peer review of a draft document called the U.S. National Climate Assessment, a legally required report that is being produced by the federal Global Change Research Program. The document, which is in its fourth installment, closely surveys how a changing climate is affecting individual U.S. states, regions, and economic and industrial sectors. The final version is expected later this year; the last version came out in 2014 during the Obama administration.

The process highlights how despite the changing political context — and even hints that the Trump administration may try to subject federal climate science to additional, adversarial reviews — technical government studies of climate science continue.

The report, 1,506 pages long in draft form, says U.S. temperatures will rise markedly in coming decades, accompanied by many other attendant effects. It predicts that Northeastern fisheries will be stressed by warmer ocean waters, that the Southeast will suffer from worsening water shortages, that worse extreme-weather events will tax water and other types of infrastructure, and far more.

For the most part, all of this has received a check mark from a panel of scientific referees at the National Academies.

"We had 16 experts review it, go through it in detail, see if it meets the congressionally mandated requirements, and we agree that it did," said Robin Bell of Columbia University's Lamont-Doherty Earth Observatory, chair of the committee that reviewed the report.

The draft document lays out the current and future effects on the United States at a higher level of resolution than before, Bell said, focusing closely on the Caribbean, looking separately at the northern and southern Great Plains, examining air pollution, and more.

"Coastal ecosystems are being transformed, degraded, or lost due to climate change impacts, particularly sea level rise and higher numbers of extreme weather events," the document states.

"As the pace of coastal flooding and erosion accelerates, climate impacts along our coasts are exacerbating preexisting social inequities as communities face difficult questions on determining who will pay for current impacts and future adaptation strategies and if, how, or when to relocate vulnerable communities," it continues.

Regarding agricultural communities, the draft states that "reduced crop yields, intensifying wildfire on rangelands, depletion of surface water supplies, and acceleration of aquifer depletion are anticipated with increased frequency and duration of drought."

When it comes to the fundamental science of climate change, the National Climate Assessment is based, in significant part, on another report, dubbed the Climate Science Special Report, that was finalized and released by the Global Change Research Program late last year.

That document found that there was "no convincing alternative explanation" for climate change other than human activities such as fossil fuel burning. It also said a sea-level rise as high as eight feet is "physically possible" as an extreme by the year 2100, though there was no way to say how probable that is.

[Trump administration releases report finding 'no convincing alternative explanation' for climate change]

Many scientists initially feared that the Trump administration would in some way suppress or otherwise interfere with the release of the Climate Science Special Report, given that it so thoroughly appeared to undermine the president's personally expressed skepticism of climate change and his decision to withdraw the United States from the Paris climate change agreement. But the report was released as expected, and there were no significant cries of censorship or political meddling.

Now, the question is whether the same will occur with the longer National Climate Assessment, which goes beyond the Climate Science Special Report to locate the climate problem within specific U.S. communities and industries,

describing both how they will suffer and how they are coping. The National Climate Assessment arguably has more potential for political ramifications, in that it exhaustively describes effects in specific places in the country.

"There are many stories about the change, and that's the beauty of this, you can go to the document and find stories in your community no matter where you live in the U.S.," Bell said.

Granted, the current review is not a 100 percent endorsement — for instance, it states that when it comes to discussing different types of scientific uncertainty, "improved differentiation and more standardized treatment is needed across the draft report." The document also contains more than 40 pages of line edits to the longer report.

But this is not a fundamental undermining of the document — it just means more work has to be done for it to be improved before publication.

"They are meant to provide clarification and ease of use by the readers but not direction-changing sorts of recommendations," said Daniel Cayan, a professor at the University of California at San Diego and one of the peer reviewers.

The report will be revised in light of these critiques by its federal authors — and move toward anticipated final-form publication later this year.

"There's a tremendous interest and demand for updated information and also examples of how various communities are approaching climate issues," Cayan said. "So, I believe that there's a community of consumers that really are depending on the National Climate Assessment, and I would be very surprised if it does not continue and it is not sustained."

Marlan, Andrew M.

From: CPIC
Sent: Friday, March 02, 2018 11:46 AM
To: Katz, Walter;Forde, Janel;Tate-Nadeau, Alicia;Caluris, Steven M.;Panepinto, Leo
Subject: (U//FOUO) Horizon Report - 02 Mar 2018
Attachments: Homeland Security Products 02 MAR 18.pdf

Good morning,

Attached is today's Horizon Report. Thank you.

Chicago Police Department

Crime Prevention and Information Center (CPIC)
312-745-5669, Fax 312-745-6927

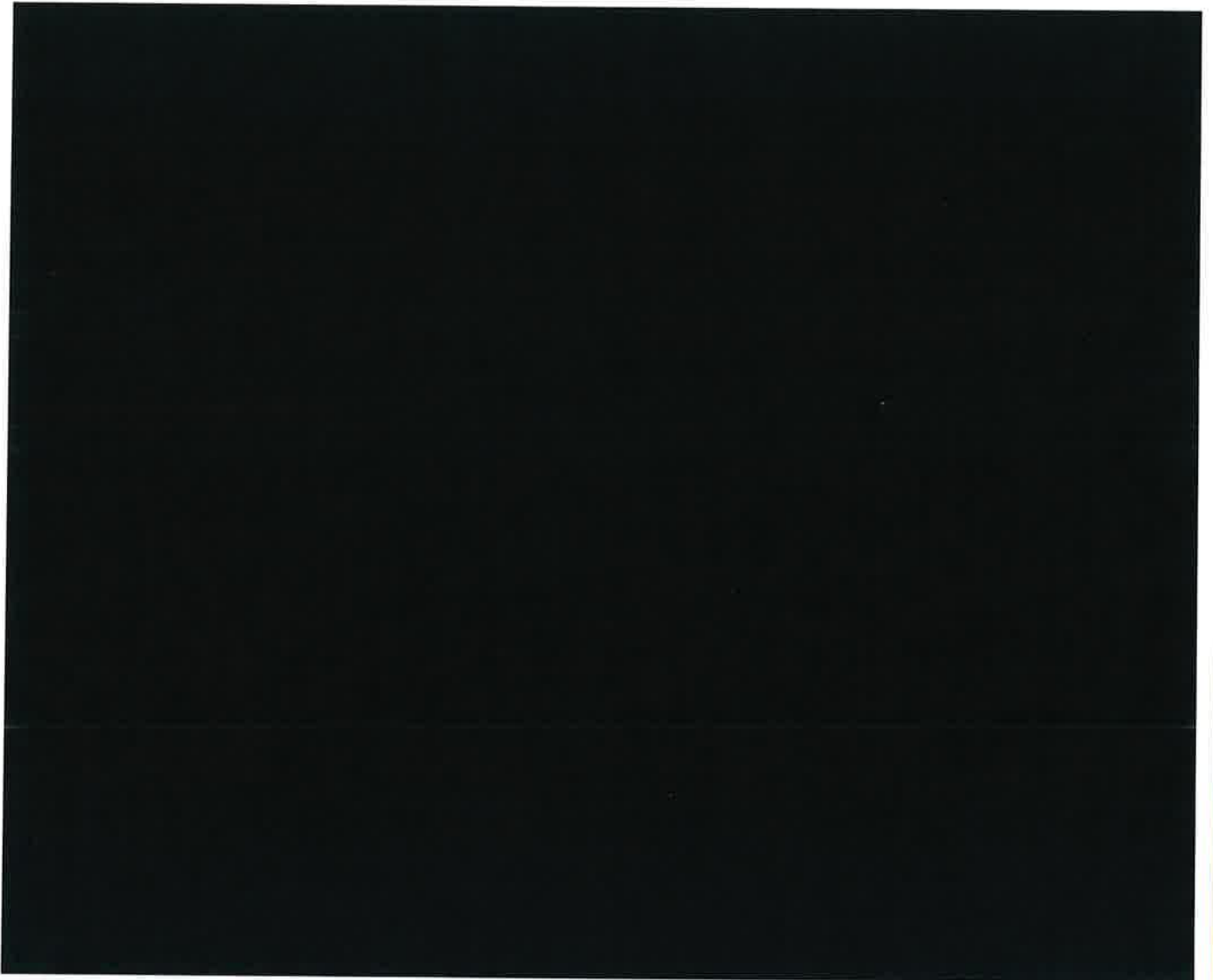
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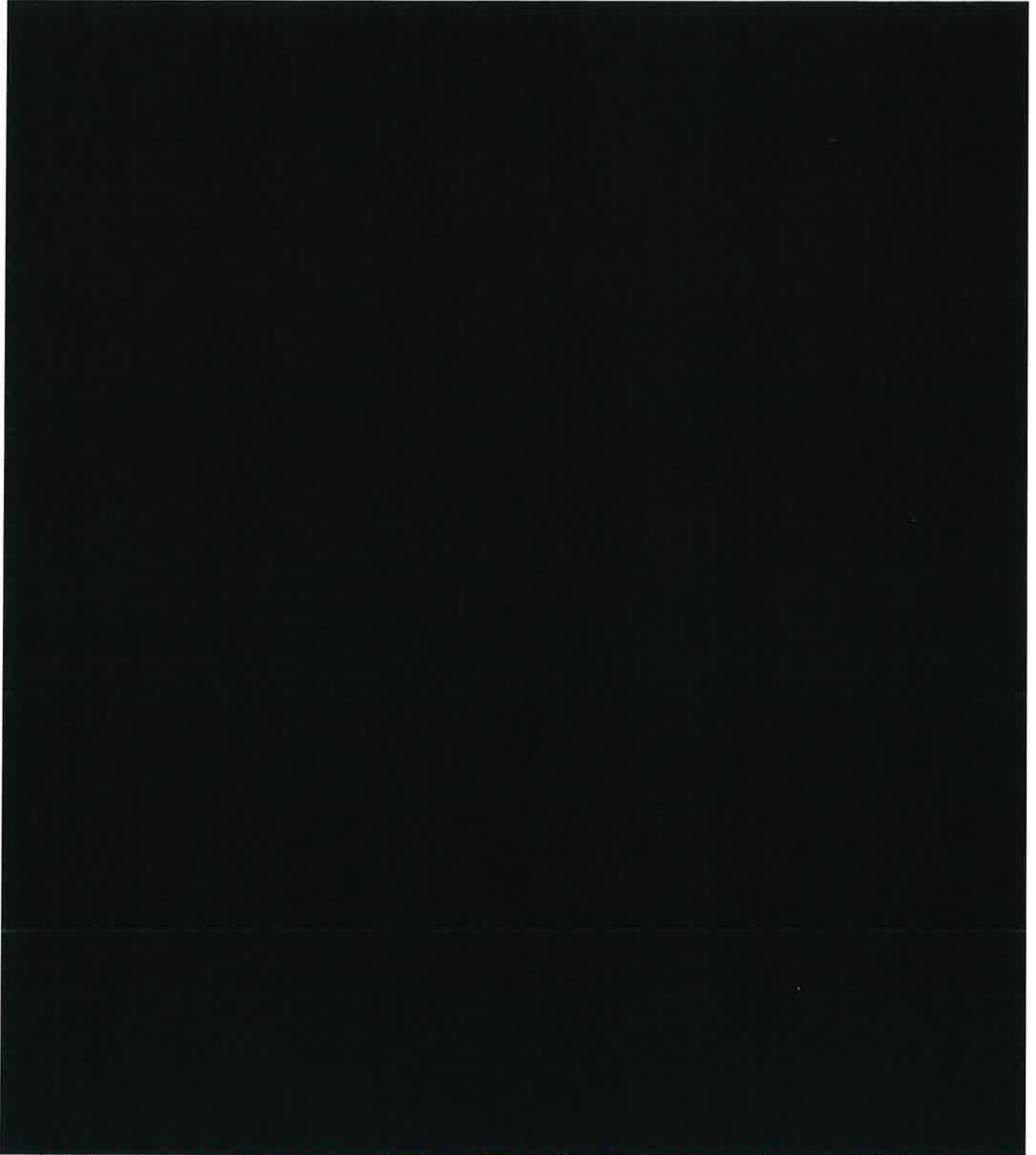
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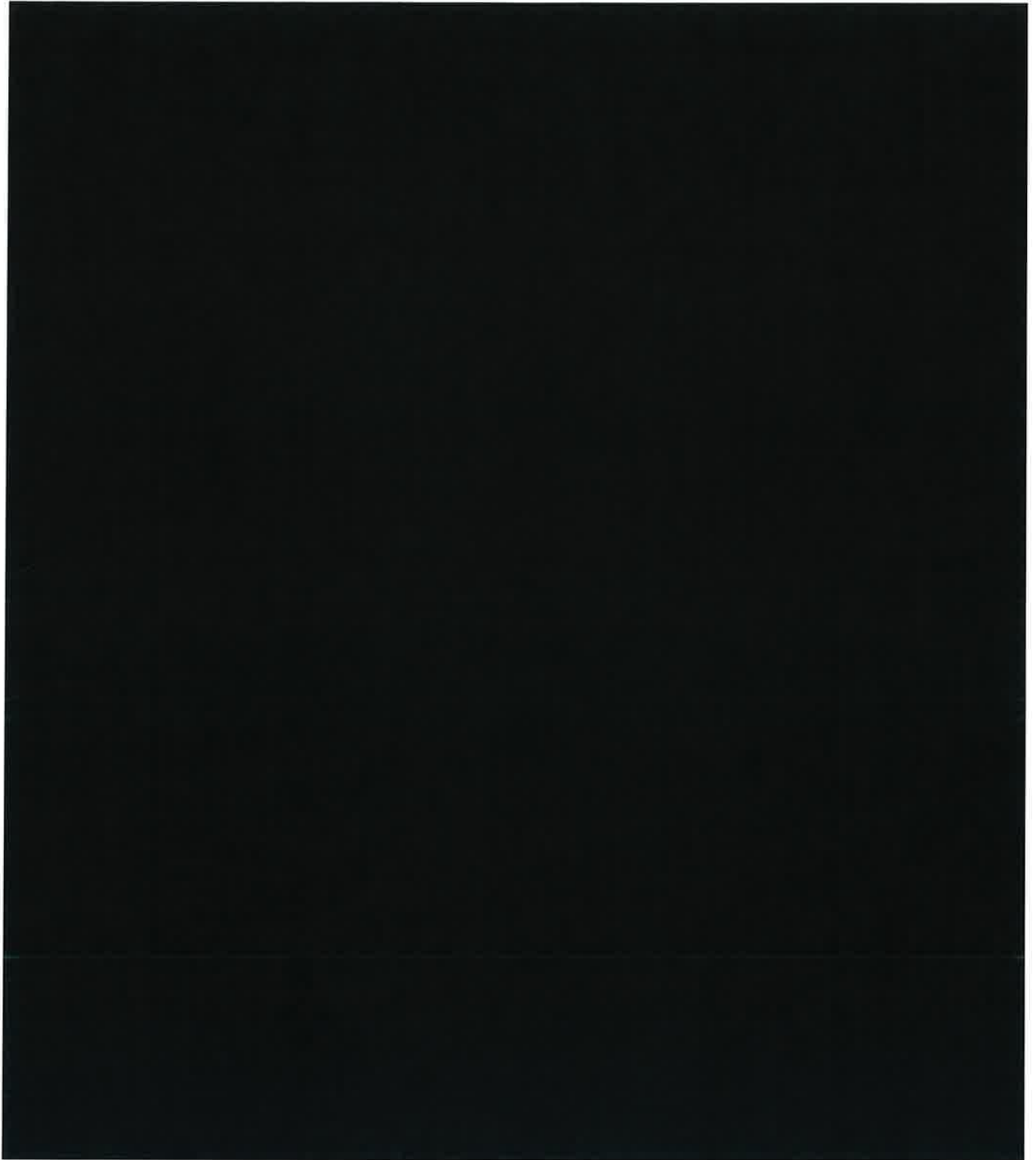
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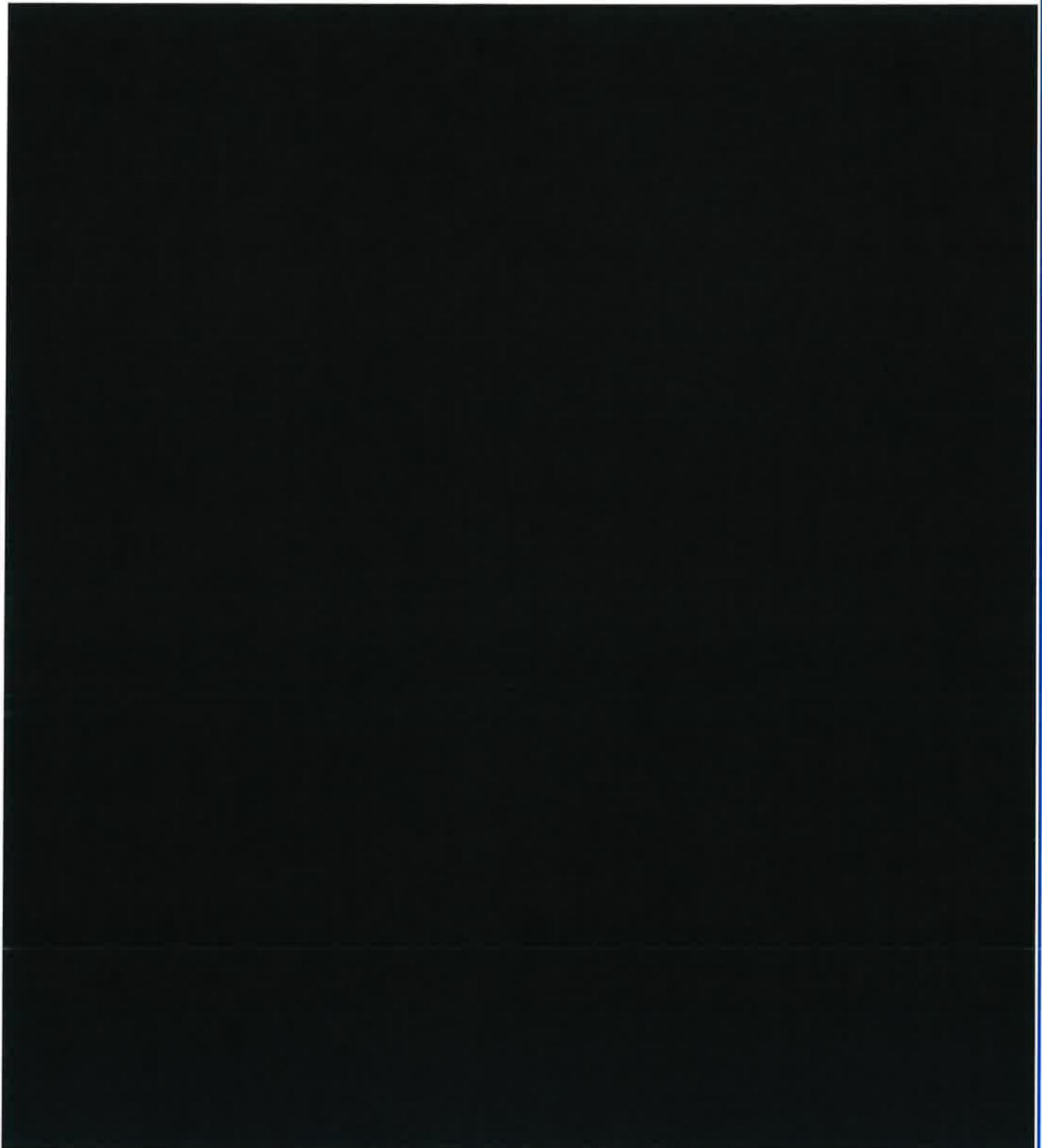
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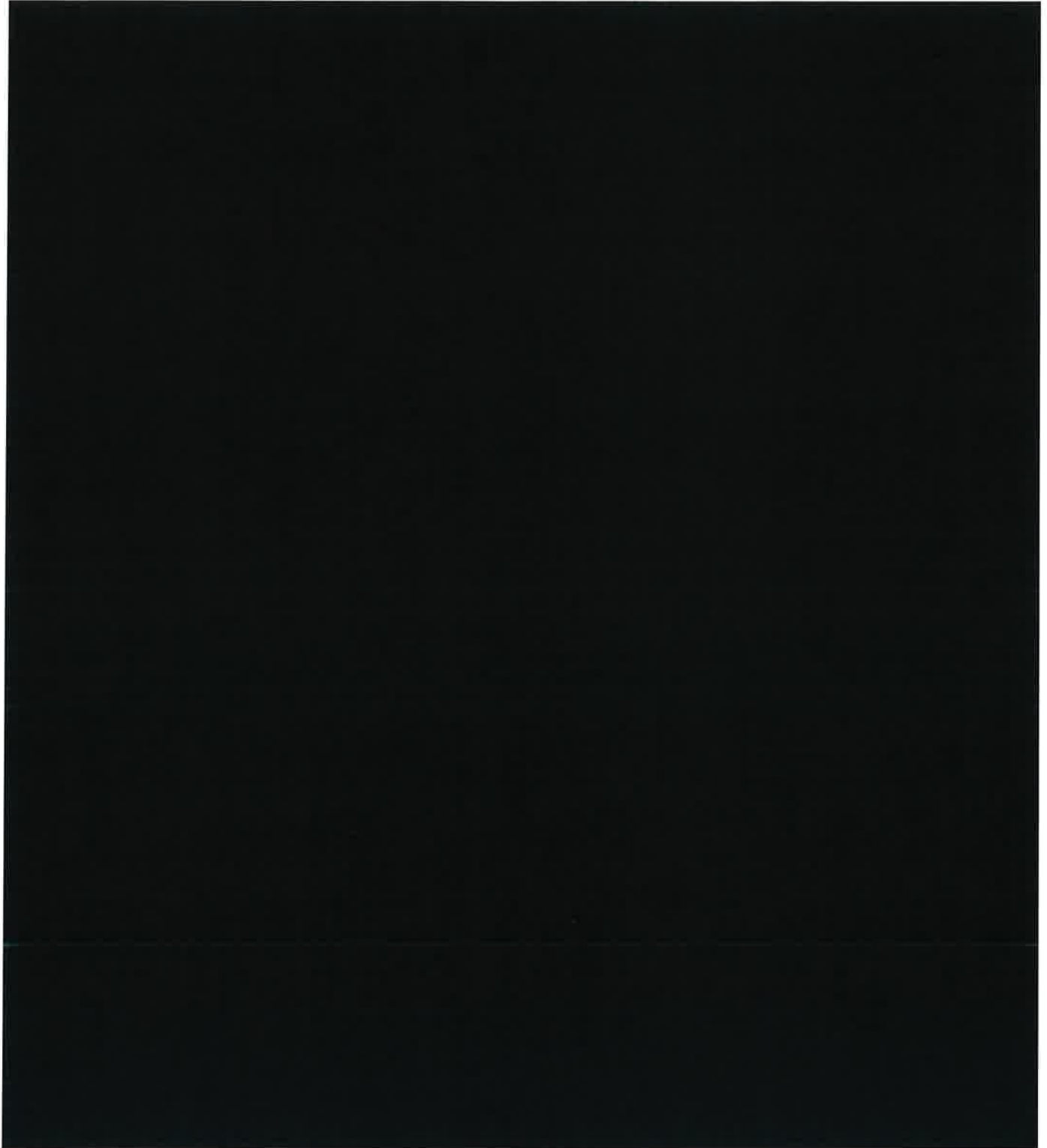
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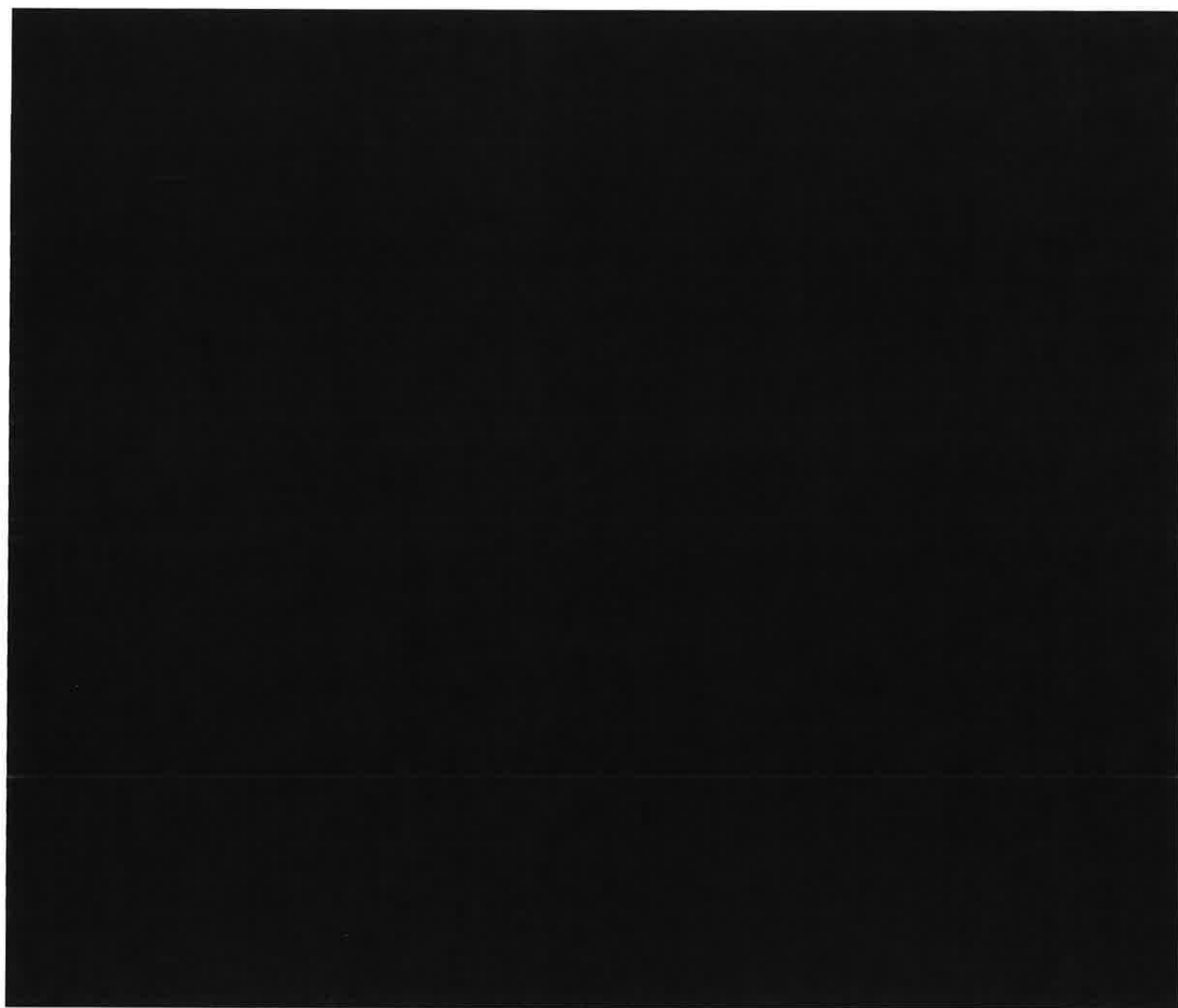
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THE HOMELAND SECURITY *NEWS CLIPS*

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TO: THE SECRETARY AND SENIOR STAFF
DATE: FRIDAY, MARCH 2, 2018 5:00 AM EST

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LEADING DHS NEWS

Homeland Security Department Observes Its 15th Year

Homeland Security Today, March 1, 2018

The Homeland Security Department marked its 15th birthday today with a celebration event featuring DHS Secretary Kirstjen M. Nielsen, Vice President Mike Pence and former DHS secretaries Tom Ridge, Michael Chertoff, and John Kelly, as well as past and present DHS employees and leadership. The department was created by integrating 22 different federal departments and agencies.

"Today, DHS is on a strong and steady course," Secretary Nielsen said during her keynote address. "Our workforce is empowered, committed, and proud to serve. And we are working hard to fulfill President Trump's commitment to make America safe and secure."

Pence told the attendees the American people are grateful to DHS employees. "You've considered the people of this country more important than yourself," he said. "You've dedicated your lives to protecting the homeland and for 15 years you've done just that, with distinction and with integrity."

A number of DHS employees who have been at the department since 2011 also spoke.

"In the heavy days after 9/11, there were so many ideas about how to better protect, secure, and prepare this nation," said Katie Fox of the Federal Emergency Management Agency. "With that came a sense of urgency and an incredible sense of duty to do the right thing for those who had suffered so greatly."

"When we were transferred to the newly created Department of Homeland Security, we brought our unique skillset and integrated mission of investigations and protective operations to ensure that our children would never have to witness another day like Sept. 11, 2001," said Ronald Rowe of the U.S. Secret Service.

"We as a department are united as one to protect our great nation, defend it from harm, and always remain vigilant," said Patrick Orender of U.S. Customs and Border Protection.

Staff at the Boston Customs and Border Protection field office celebrated formation of CBP, which initially combined the inspection and enforcement elements of the U.S. Customs Service and Immigration and Naturalization Service, including the U.S. Border Patrol, along with the Agriculture

Department Animal and Plant Health Inspection Service. In 2004, DHS transferred Air and Marine Operations to CBP.

"The events of September 11th and the incorporation of the U.S. Border Patrol under DHS and CBP 15 years ago highlights the important work our agents carry out each and every day to secure the nation from those who want to do us and our communities harm," said Acting Chief Patrol Agent Robert Garcia of the Swanton Sector.

White House Defends ICE, Border Patrol From California Attacks

By Stephen Dinan

Washington Times, March 1, 2018

Vice President Mike Pence delivered a fierce defense of federal immigration agents and officers Thursday, calling them "heroes," amid a growing opposition from California officials.

"We are with you 100 percent," Mr. Pence told Homeland Security employees gathered to commemorate the department's 15-year anniversary.

The Trump administration is in an escalating battle with California, where the Oakland mayor tipped off illegal immigrants to looming sweeps by federal authorities, and where the state attorney general accused U.S. Immigration and Customs Enforcement of "terrorizing communities."

Homeland Security officials have pushed back, and on Thursday the White House got involved, with Mr. Pence and Chief of Staff John F. Kelly mounting a vigorous defense of the department and its employees.

"You take the face shots every single day from people who don't have a clue what they're talking about," Mr. Kelly said, adding that he wished he'd been able to do more during his six months as secretary to defend the employees against the verbal attacks.

"You can bet in the job I'm in now I spend a great deal of my time making sure people understand who you are, what you do," Mr. Kelly said as he joined current Secretary Kirstjen Nielsen and former secretaries Tom Ridge and Michael Chertoff for the 15th anniversary commemoration.

The department was started in 2003, after a bruising battle in Washington in the wake of the Sept. 11, 2001, terrorist attacks on New York and the Washington region.

The Bush White House had vehemently opposed a reorganization, instead naming a White House coordinator, Mr. Ridge, to act as a special presidential adviser. Mr. Bush abruptly flipped his position in June 2002, in what was seen

as a way of overcoming a growing series of questions about signals missed ahead of the Sept. 11 attacks.

With Mr. Bush's support, plans for the department began to move through Capitol Hill — but they bogged down in a fight over the extent of organizing powers labor unions would have. Mr. Bush took the issue to voters in that year's midterm elections and helped unseat two Democratic incumbents, delivering control of the Senate back to the GOP, and cowing Democrats into caving on the union issue.

The department officially stood up on March 1, 2003, covering everything from the Coast Guard and Secret Service to federal emergency response, cybersecurity, customs and immigration.

Mr. Kelly, who was secretary for six months before being brought to the White House, said the department is perhaps even more important than the Pentagon in keeping the U.S. safe at this point.

Mr. Kelly, also a former Marine general, said the military is pounding the Islamic State terror group "into dust" overseas, but they pose a growing threat here.

"They have morphed, and they are coming," he said.

To prove the point, he recalled his years as chief of Southern Command, which oversees U.S. military in Latin America south of Mexico. He said he didn't remember any conversations with the Defense Department secretary, but he had weekly conversations with Homeland Security Secretary Jeh Johnson.

During Thursday's commemoration several secretaries stressed the importance of intelligence collection and sharing in advancing the department's abilities.

Mr. Chertoff recalled British authorities disrupting a massive airline plot, and said it was only because of metadata collection under the Patriot Act — powers that have since been severely constrained — that U.S. authorities were certain the British plotters weren't communicating with Americans.

"If we had not been able to do that there would have been a week or two of no flying," Mr. Chertoff said. "Being able to rule things out is as important as being able to rule things in."

'Outrageous' For Oakland Mayor To Preemptively Warn Of ICE Raid, White House Says

By Cristiano Lima

Politico, March 1, 2018

The White House on Thursday said it was "outrageous" that a California mayor preemptively notified residents about a looming federal immigration raid.

Oakland Mayor Libby Schaaf has come under heavy criticism from the U.S. Immigration and Customs Enforcement for announcing that the agency would be

carrying out a federal roundup of undocumented immigrants a day before they took place.

"It's outrageous that a mayor would circumvent federal authorities and certainly put them in danger by making a move such as that," press secretary Sarah Huckabee Sanders said at the White House press briefing on Thursday.

She added the episode was under review by the Department of Justice.

Schaaf over the weekend warned Bay Area residents that ICE would be conducting operations in the region, tipping them off to the plans in advance through a statement on Saturday and a news conference on Sunday.

"I am sharing this information publicly not to panic our residents but to protect them," Schaaf wrote on Saturday. "My priority is for the well-being and safety of all residents — particularly our most vulnerable."

Thomas D. Homan, the deputy director of ICE, criticized Schaaf's decision to tip off the public as "reckless" and "irresponsible" in a statement he released on Sunday.

"The Oakland mayor's decision to publicize her suspicions about ICE operations further increased that risk for my officers and alerted criminal aliens — making clear that this reckless decision was based on her political agenda," Homan said.

The exchange comes as some local officials have continued to fight against the Trump administration's efforts to crack down on illegal immigration. Several California cities and their officials have come under scrutiny by President Donald Trump by failing to enforce federal immigration laws and serving as so-called sanctuary cities.

Justice Department Looking Into Bringing Charges Against Oakland Mayor Libby Schaaf

By Dave Boyer, Stephen Dinan

Washington Times, March 1, 2018

The White House said Thursday that the Justice Department is looking into whether the Oakland mayor can face federal charges after she warned illegal immigrants of an impending enforcement sweep.

Press secretary Sarah Huckabee Sanders also called Mayor Libby Schaaf's warning "outrageous," as White House Chief of Staff John F. Kelly rose to the defense of immigration agents and other Homeland Security employees, saying they are being unfairly tarred.

"You take the face shots every single day from people who don't have a clue what they're talking about," Mr. Kelly said at a 15th anniversary celebration of the Homeland Security Department, which he used to head.

The remarks came amid a back-and-forth between U.S. Immigration and Customs Enforcement chief Thomas Homan and California officials, who accused ICE of "terrorizing"

communities by attempting to pick up illegal or criminal immigrants in the San Francisco Bay Area.

Some 150 people were snared but 800 criminals whom ICE had hoped to capture escaped, Mr. Homan said, after Ms. Schaaf got wind of the operation and warned her city's residents.

"I think it's outrageous that a mayor would circumvent federal authorities, and certainly put them in danger by making a move such as that," Mrs. Sanders said at the White House.

She also confirmed that the Justice Department has been asked to see if it can bring charges against Ms. Schaaf, and she said "that's currently under review."

The Justice Department declined to comment, but has previously said that it was exploring any options for going after sanctuary cities.

Ms. Schaaf's office didn't respond to a request for comment. On Twitter this week, though, she said she stood by her warnings.

"I do not regret sharing this information. It is Oakland's legal right to be a sanctuary city and we have not broken any laws. We believe our community is safer when families stay together," she said.

California Attorney General Xavier Becerra, meanwhile, blasted ICE, accusing the agency of "terrorizing communities, including family members who are citizens."

Protests have erupted outside of ICE's office in San Francisco this week, writing slogans on the pavement such as "Keep Families Together."

The Obama administration also faced protests for its immigration policies, but things have gotten much testier with President Trump in office, after he freed immigration agents to pursue a much broader range of illegal immigrants for deportation.

Mr. Kelly, speaking at the 15th anniversary event Thursday, said the department has Mr. Trump's backing.

"You can bet in the job I'm in now, I spend a great deal of my time making sure people understand who you are, what you do," he said.

For her part Mrs. Sanders on Thursday chided the Senate for failing to confirm a new commissioner for U.S. Customs and Border Protection, which oversees the Border Patrol.

Kevin McAleenan has been the pending nominee for nearly a year. Mrs. Sanders blamed Democratic leaders for stalling the pick.

The Washington Times Comment Policy

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232 People Arrested During Immigration Sweep In California

Philly (PA), March 1, 2018

More than 200 people were arrested on immigration violations during a four-day operation in Northern California, but authorities said Thursday that hundreds eluded capture because of a warning from Oakland's mayor.

U.S. Immigration and Customs Enforcement said officers made 232 arrests from Sunday to Wednesday arrests and renewed threats of a bigger street presence in California, where state law sharply limits cooperation with immigration authorities at local jails.

The Trump administration has cracked down on so-called sanctuary policies, insisting that local law enforcement inform federal agents when they are about to release immigrants discovered to be living in the country illegally.

Defenders of so-called "sanctuary" practices say they improve public safety by promoting trust among law enforcement and immigrant communities and reserving scarce police resources for other, more urgent crime-fighting needs.

Mayor Libby Schaaf tweeted on Saturday that an immigration operation was imminent in the San Francisco area, including Oakland, possibly within 24 hours.

It was unclear how many people would have eluded capture without the mayor's warning. Targets often elude authorities because agents don't have search warrants and advocacy groups have waged public awareness campaigns urging people not to open their doors. Other times, agents have outdated addresses or targets are not home.

The federal agency's acting director, Thomas Homan, said Wednesday that Schaaf's warning caused about 800 "criminals" to elude capture, an extraordinarily high number of missed targets.

More than 100 of the people arrested had criminal records, including convictions for child sex crimes, weapons charges and assault, ICE said. The agency didn't release their names, except for one who was considered a high-profile target, making it impossible to verify individual cases.

"ICE has no choice but to continue to conduct at-large arrests in local neighborhoods and at worksites, which will inevitably result in additional collateral arrests, instead of focusing on arrests at jails and prisons where transfers are safer for ICE officers and the community," the agency said.

White House spokesman Sarah Huckabee Sanders criticized Schaaf's tweet.

"I think it's outrageous that a mayor would circumvent federal authorities and certainly put them in danger by making a move such as that," Huckabee said Thursday. "And that's currently under review by the Department of Justice."

Sanders didn't elaborate but Homan said Wednesday that the Justice Department was looking into whether the mayor obstructed justice.

The mayor has repeatedly defended her actions, saying Wednesday that she was not tipped off by "official sources" and that she didn't reveal specific locations.

"It is Oakland's legal right to be a sanctuary city and we have not broken any laws," she said. "We believe our community is safer when families stay together."

Final Figures On Northern California Immigration Sweep: 232 Arrests In 4 Days

San Francisco Chronicle, March 2, 2018

Federal officials said Thursday they arrested 232 undocumented immigrants in a Northern California sweep aimed at countering local sanctuary laws that ended Wednesday.

During a four-day operation that began Sunday — and gained wider exposure due to Oakland Mayor Libby Schaaf, who warned immigrants hours before it began — U.S. Immigration and Customs Enforcement officers traveled from the Central Valley to the northern reaches of the state, detaining people and prompting alarm from politicians and advocates who oppose President Trump's crackdown on immigration.

In a statement announcing the arrests, the federal agency took aim at SB54, the statewide sanctuary law, by saying that "recent legislation has negatively impacted ICE operations in California by nearly eliminating all cooperation and communication with our law enforcement partners in the state. ... Ultimately, efforts by local politicians have shielded removable criminal aliens from immigration enforcement, and created another magnet for more illegal immigration."

Of the 232 people arrested, ICE said 115 had prior criminal convictions, including some for violent or sexual offenses. But the agency also said that it "no longer exempts classes or categories of removable aliens from potential enforcement."

Arrests of undocumented immigrants without criminal convictions have risen sharply under the Trump administration. In the first three months of fiscal year 2018, which began Oct. 1, the San Francisco field office made 373 arrests of non-criminal undocumented immigrants — roughly 100 less than the entire 2016 fiscal year.

House Democratic leader Nancy Pelosi, of San Francisco, said this week that the raid "was intended solely to terrorize innocent immigrant families and instill fear in the hearts of our communities, not to keep Americans safe."

Schaaf said she had received confidential tips from "credible sources" who told her ICE was gearing up for a Bay Area operation. The mayor, who has received threats since

she spoke of the imminent arrests, said she intended her warning to educate, not alarm, immigrants.

"I made a choice to share it broadly in a manner that I hope did not cause panic or fear," she said. "It's my hope that everyone goes about their normal lives, but armed with information and resources."

ICE said some of those arrested this week will be prosecuted in federal court for illegal entry and illegal re-entry after deportation.

"The arrestees who are not being federally prosecuted will be processed administratively for removal from the United States," the agency said. "Those who have outstanding orders of deportation, or who returned to the United States illegally after being deported, are subject to immediate removal from the country. The remaining individuals are in ICE custody awaiting a hearing before an immigration judge, or pending travel arrangements for removal in the near future."

Oakland Mayor Faces Obstruction Of Justice Investigation For Warning Immigrants About ICE Raid, Agency Head Warns

By Carlos Ballesteros

Newsweek, March 1, 2018

The Department of Justice is investigating whether Oakland Mayor Libby Schaaf obstructed justice by warning her constituents of impending raids by U.S. Immigration and Customs Enforcement (ICE), the agency's acting director, Thomas Homan, said Wednesday.

During a segment on Fox News's *Fox & Friends*, Homan said the Justice Department is "reviewing" Schaaf's comments for possible obstruction of justice. The warning came four days after Schaaf tweeted that "multiple credible sources" told her ICE was "preparing to conduct an operation in the Bay Area, including Oakland, starting as soon as [Sunday]."

ICE directed Newsweek to the Justice Department regarding Homan's comments. In an emailed statement, a department spokesperson said it "does not confirm or deny the existence or nonexistence of investigations."

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Oakland, California, Mayor Libby Schaaf looks on during an assembly at Edna Brewer Middle School on January 19. Justin Sullivan/Getty Images

Schaaf, a first-term mayor elected in 2015, has been a vocal champion of Oakland's so-called sanctuary policies since coming into office. On Wednesday, she said she does not regret warning Bay Area residents about the raids, adding that "Oakland is a city of law-abiding immigrants and families who deserve to live free from the constant threat of arrest and deportation."

Homan decried Schaaf's tweet as a "reckless decision...based on her political agenda in opposition to the very federal laws that ICE is sworn to uphold." Homan also suggested that the mayor could be to blame for "public safety threats" who "remain at large" after the crackdown.

ICE confirmed on Tuesday that it had arrested more than 150 people "in violation of federal U.S. immigration laws" since Sunday as part of "targeted immigration enforcement operations" across Northern California.

In January, a day after the San Francisco Chronicle reported plans by ICE to launch a series of raids across the Bay Area to arrest up to 1,500 undocumented immigrants, the Oakland City Council voted unanimously to bar any branch of city government from cooperating with ICE. The resolution mandates that city employees not aid immigration agents in any capacity before, during or after planned ICE raids within city limits.

Justice Department Reviewing Oakland Mayor's Tipoff Of Immigration Raids

By Alene Tchekmedyan

Los Angeles Times, March 1, 2018

The White House on Thursday said the Department of Justice was reviewing the actions of Oakland Mayor Libby Schaaf, who last weekend alerted residents in advance of an Immigration and Customs Enforcement raid in Northern California.

"I think it's outrageous that a mayor would circumvent federal authorities and certainly put them in danger by making a move such as that," White House Press Secretary Sarah Huckabee Sanders told reporters.

She said Schaaf's actions were under "review" but would not be more specific.

Justin Berton, a spokesman for Schaaf, said the mayor's office is unaware of any review and declined to comment further. A Justice Department spokesman in the Bay Area also declined to comment.

Schaaf has defended her statement, saying she felt it was her duty to warn residents of the ICE action.

Oakland, like many California cities, has declared itself a sanctuary for those here illegally, and officials there have vowed to fight President Trump's immigration crackdown.

She has won praise from other officials in California. But the Trump administration has rebuked her.

"The Oakland mayor's decision to publicize her suspicions about ICE operations further increased that risk for my officers and alerted criminal aliens — making clear that this reckless decision was based on her political agenda with the very federal laws that ICE is sworn to uphold," ICE's acting director, Thomas D. Homan, said in a statement Tuesday.

Speaking on "Fox and Friends," Homan added that the mayor's warning helped an estimated 800 "criminal aliens" avoid capture. He also said federal authorities were examining her actions.

"What she did is no better than a gang lookout yelling 'police' when a police cruiser comes in the neighborhood, except she did it to a whole community. This is beyond the pale," he said.

In ICE's three-day sweep, agents arrested more than 150 people suspected of violating immigration laws, the agency said in the statement that criticized Schaaf.

About half of those arrested have criminal convictions, the agency said.

Homan said 864 immigrants with criminal histories are still at large despite the raids that led to arrests in cities including Stockton, Sacramento, San Francisco and Bay Point. He blamed Schaaf in part.

"I have to believe that some of them were able to elude us thanks to the mayor's irresponsible decision," Homan said.

Schaaf and her supporters say she did the right thing.

"My statement on Saturday was meant to give all residents time to learn their rights and know their legal options," Schaaf said Tuesday in a statement. "It was my intention that one mother, or one father, would use the information to help keep their family together.

"I do not regret sharing this information. It is Oakland's legal right to be a sanctuary city and we have not broken any laws. We believe our community is safer when families stay together," she stated.

Among those at large are Oakland residents with multiple prior removals, said James Schwab, a spokesman for ICE in San Francisco, a field office that spans 49 counties from Bakersfield to the Oregon border. They include someone convicted of carrying a loaded firearm and selling drugs, and one suspected of transporting cocaine and having sex with a minor, he said.

Immigration detainees lodged against them have been "repeatedly ignored," Schwab said. "Instead they have been released back into the community to potentially reoffend."

In fiscal year 2017, ICE arrested 20,201 people across the state, Schwab said. Of those, he said, 81% had criminal convictions.

Oakland Mayor Stands By 'Fair Warning' Of Impending ICE Operation : The Two-Way : NPR

NPR, March 1, 2018

Oakland, Calif., Mayor Libby Schaaf says she has no regrets about warning residents of an impending raid by Immigration and Customs Enforcement, even as the agency blasted the move as politically motivated and reckless.

It comes as sanctuary jurisdictions — a loose term generally used to describe areas whose laws do not require cooperation with federal immigration officials — butt up against the Trump administration's crackdown on enforcement.

The dispute began on Saturday when Schaaf posted a message on Twitter saying she had learned from "multiple credible sources" that ICE "is preparing to conduct an operation in the Bay Area, including Oakland, starting as soon as within the next 24 hours."

Schaaf said she wanted residents to "prepare, not panic," and urged people to know their rights, directing them to a legal services agency geared toward Latino immigrants.

Schaaf said the city's "law-abiding immigrants and families ... deserve to live free from the constant threat of arrest and deportation" and she considered it her "duty and moral obligation as Mayor to give those families fair warning when that threat appears imminent."

But ICE said the warning was anything but fair. By Tuesday the agency confirmed it did indeed conduct an operation and blamed Schaaf for likely allowing many "targets" to slip away.

ICE Deputy Director Thomas D. Homan said in a statement that Schaaf's warning endangered officers "and alerted criminal aliens — making clear that this reckless decision was based on her political agenda."

Despite the warning, Homan said officers "were able to remove many public safety threats from the streets of the Bay Area during the past few days." But he added that more than 800 people the agency had been targeting "remain at large in the community."

"I have to believe that some of them were able to elude us thanks to the mayor's irresponsible decision," he said.

Homan told Fox & Friends on Wednesday that what Schaaf did "is no better than a gang lookout yelling 'Police.'" He also said the Department of Justice is reviewing whether Schaaf broke any laws.

Schaaf has not backed down. "I do not regret sharing this information," she said in a statement Tuesday. "It is Oakland's legal right to be a sanctuary city and we have not broken any laws. We believe our community is safer when families stay together."

Around 200 people took to the streets Wednesday outside ICE's San Francisco office chanting "shut ICE down" and carrying signs reading "Stop racist deportations," according to The Associated Press.

Beginning with his 2015 campaign announcement, Trump has made immigration a signature issue alongside pledges to build a wall. "The U.S. has become a dumping ground for everybody else's problems ... When Mexico sends its people ... They're bringing drugs. They're bringing crime. They're rapists. And some, I assume, are good people," he said at the time.

Soon after taking office last year, Trump issued an executive order seeking to strip sanctuary jurisdictions of federal grants. A federal judge later blocked the order.

California has been fighting back.

At the beginning of the year, state Senate Bill 54, otherwise known as the California Values Act, took effect limiting immigration enforcement, in part by barring local authorities from asking about immigration status during routine interactions.

"This bill does not prevent or prohibit Immigration and Customs Enforcement or the Department of Homeland Security from doing their work in any way," Gov. Jerry Brown, a Democrat, said in a signing message. "They are free to use their own considerable resources to enforce federal immigration law in California."

But in his statement Tuesday, Homan of ICE said, "Sanctuary jurisdictions like San Francisco and Oakland shield dangerous criminal aliens from federal law enforcement at the expense of public safety." He went on, "Unlike the politicians who attempt to undermine ICE's critical mission, our officers will continue to fulfill their sworn duty to protect public safety."

Homan said the Bay Area operation yielded the arrests of Mexican and Guatemalan citizens who had gang affiliations as well convictions for battery, DUI and sex acts with a minor.

White House Slams Oakland Mayor Libby Schaaf's Warning About ICE Action

By Kimberly Veklerov

[San Francisco Chronicle](#), March 2, 2018

The Justice Department is reviewing Oakland Mayor Libby Schaaf's "outrageous" warning to the community ahead of a large-scale operation by federal immigration authorities, the White House said Thursday.

"I think it's outrageous that a mayor would circumvent federal authorities and certainly put them in danger by making a move such as that. And that's currently under review by the Department of Justice, and I don't have anything else to add," press secretary Sarah Huckabee Sanders said in her afternoon briefing at the White House.

Schaaf said she issued the alert Saturday night after receiving confidential tips that U.S. Immigration and Customs Enforcement, known as ICE, was planning arrests across the Bay Area. Her spokesman, Justin Berton, said Thursday that she was not aware of the review mentioned by Huckabee Sanders.

More than 150 people were detained in the sweep, but ICE Acting Director Thomas Homan blamed Schaaf for helping hundreds more evade agents. He compared the mayor's alert to "a gang lookout yelling 'police.'"

Oakland Mayor Libby Schaaf before speaking at Resilient Fruitvale event in Oakland, Calif., on Sunday, February 25, 2018, about information she learned about possible upcoming ICE raids in the Bay Area.

Oakland Mayor Libby Schaaf before speaking at Resilient Fruitvale event in Oakland, Calif., on Sunday, February 25, 2018, about information she learned about possible upcoming ICE raids in the Bay Area.

Legal experts said it was unlikely that Schaaf could be charged with obstruction of justice, noting that her weekend news release was vague and that proving a corrupt intent would be difficult.

"It can't be a corrupt intent simply to have the desire for someone to avoid prosecution," said Professor Robert Weisberg of Stanford Law School. "This is just going to be fought out between the feds and the locals, but I don't think obstruction will come into play. How would this differ from somebody saying, 'The San Francisco Police Department is using more resources to patrol neighborhood X for drugs?'"

Neither warning would be directly interfering with an investigation, and thus would not count as obstruction, Weisberg said.

Can California Officials Continue To Proudly Defy Federal Laws On Immigration?

By Jeremy Carl

Fox News, March 1, 2018

In what even the liberal San Francisco Chronicle deemed "an extraordinary escalation" of California's war against the federal government, the mayor of Oakland last weekend issued a public warning to alert illegal immigrants about an upcoming federal operation designed to arrest them.

U.S. Immigration and Customs Enforcement (ICE) conducted the sweep to enforce federal immigration laws in Oakland and surrounding jurisdictions. That, after all, is the job of the agency and why it exists.

ICE announced Tuesday that the operation had resulted in the arrests of more than 150 illegal immigrants – half of whom had criminal convictions. The head of the federal agency also blasted Oakland Mayor Libby Schaaf for tipping off illegal immigrants to the federal law enforcement action, removing the element of surprise so that some could evade arrest.

Acting ICE Director Thomas Homan called Schaaf's warning a "reckless decision (that) was based on her political agenda."

One thing is clear: Mayor Schaaf's reckless actions, supported by a sympathetic left-wing media and left-wing celebrities, have brought us to a very dangerous point.

Homan added that more than 800 "criminal aliens and public safety threats remain at large in the community, and I

have to believe that some of them were able to elude us thanks to the mayor's irresponsible decision."

In taking her action, Schaaf went a step beyond the Bay Area's typical non-cooperation with the Trump administration. She edged closer to the sort of "massive resistance" America hasn't seen since the civil rights era, when Alabama Gov. George Wallace stood in the schoolhouse door in 1963 in an attempt to defy a federal court order that mandated integration of the University of Alabama.

Wallace – a staunch segregationist who opposed allowing black students into what was then a white university – was rightly condemned for claiming states had the right to defy the federal government. The U.S. Supreme Court had ruled in 1954 that racial segregation in public schools was unconstitutional.

Schaaf, by contrast, is drawing praise from liberals for defying the federal government – in this case on the issue of immigration rather than integration.

But while the two issues are different, the underlying principle is the same: Does the federal government have the power to set national policies? Or, does every state and city have the right to pick and choose which federal laws it wants to obey and ignore those it doesn't like – like a person selecting only certain items in a cafeteria?

If obeying federal laws becomes optional rather than mandatory, enforcing these laws will become impossible and they won't be worth the paper they are written on.

President John F. Kennedy federalized the Alabama National Guard to enforce integration in that state and made Gov. Wallace stand down. Kennedy was hailed as a hero. President Trump has not yet federalized the California National Guard to enforce federal immigration laws in that state, but you can bet that if he did liberals would sharply attack him as a heartless tyrant.

One thing is clear: Mayor Schaaf's reckless actions, supported by a sympathetic left-wing media and left-wing celebrities, have brought us to a very dangerous point.

The mayor's message was clear, according to the Chronicle: "Not only will Oakland and its police force not cooperate with ICE, but the city will actively seek to thwart efforts to detain and deport (illegal) immigrants."

Schaaf claimed her legal counsel told her she was not opening herself to federal prosecution for alerting illegal immigrants about federal law enforcement actions against them.

But it's hard to see how Schaaf didn't break a federal law that states: "Any person who ... conceals, harbors, or shields from detection, or attempts to conceal, harbor, or shield from detection" any illegal immigrant can be imprisoned for up to five years for each violation.

The mayor claims that because she did not receive information about the raid through "official channels" her actions were legal. But it must be assumed that she was only

provided information about the law enforcement action through unofficial channels in the expectation that she would act on it in her official capacity.

While immigration is the flashpoint of the clash between California and the U.S. government, it is hardly the only bone of contention.

In the last year alone, California has defied federal marijuana laws. It has attempted a legally dubious workaround to keep millions of its residents from having to pay their federal income tax obligations. It has fought the Trump administration's travel ban of visitors from several high-risk countries, and it has engaged in high-stakes fights over the regulation of firearms, the internet and climate policy – all in the face of strong federal opposition.

California Attorney General Xavier Becerra, until recently a member of the U.S House Democratic leadership, has filed more than 26 lawsuits against the Trump administration in his first year in office.

But it is federal immigration law that has become the key battleground of California's war against the federal government's authority, and for understandable reasons.

Mass immigration, both legal and illegal, has driven California's leftward surge in recent decades, turning it from a red state that voted Republican for president all but once between 1952 and 1988 to one in which Donald Trump took just under 32 percent of the vote in 2016. That was his worst performance in the lower 48 states.

At least 27 percent of Californians are immigrants. A staggering half of California children have at least one immigrant parent.

Many of these immigrants bring needed skills and talents to America and are productive members of their communities.

However, immigrants are quite understandably, on average, not as tightly wedded to the traditional political views and outlooks of a country in which they and their families have just begun to put down roots.

As a result, immigrants have dramatically different voting patterns – characterized by overwhelming support of Democratic candidates – than those of California's non-Hispanic whites, who while more liberal than American whites as a whole, tend to split their votes fairly evenly between the two parties.

Non-Hispanic whites made up 77 percent of California's population as recently as 1970. Today they are only 38 percent of the state.

Little wonder that in hyper-diverse California, Schaaf's approach of defying federal law seems to meet with overwhelming approval among California Democratic leaders.

Lt. Gov. Gavin Newsom, a Democratic candidate for governor, issued a statement strongly praising Schaaf's action.

State Senate President Kevin de Leon (the son of an illegal immigrant), who is making a strong challenge from the left to long-time Democratic incumbent U.S. Sen. Dianne Feinstein, has referred to President Trump's immigration policies as "xenophobic, racist, and ignorant" and sponsored legislation declaring California a sanctuary state.

"I know that Oakland is a city of law-abiding immigrants and families who deserve to live free from the constant threat of arrest and deportation," Schaaf said. But as a local official she has absolutely no legal authority to make that determination.

Conservatives have generally been in favor of federalism and state authority. But there are certain core elements of governance – among them borders and national defense – that are the exclusive domain of the federal government. Unfortunately, California Democrats have decided that they can simply ignore federal laws whenever they do not approve of them.

In January Schaaf declared that she was willing to go to jail to keep the federal government from exercising control over borders and deporting illegal immigrants in Oakland. The Trump administration should give her – and other California officials who believe that they can "stand in the schoolhouse door" and flout federal law – the chance to back up their words with actions.

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Standing Up To Hate: Oakland Mayor Libby Schaaf Shows How It's Done

By Otis R. Taylor Jr.

San Francisco Chronicle, March 1, 2018

Oakland Mayor Libby Schaaf used her office to alert the public to a federal immigration sweep.

That's what she did, make no mistake about it. And it was brilliant. Politically risky, yes. But Schaaf stood up to hate.

It's caused a stir — U.S. Immigration and Customs Enforcement officials suggested Schaaf's warning helped many undocumented immigrants avoid a sweep that resulted in 150 arrests. But Schaaf's not backing down. And she shouldn't.

We are taught as Americans to speak up and not stay silent in the face of hate and unfairness.

"Trump's fearmongering, his attempt to paint all immigrants as dangerous criminals, is racist," Schaaf told KQED's "Forum" on Wednesday.

The president, who gorges on rage politics, helms an administration that is as spiteful as it is dysfunctional. When he announced his candidacy by declaring that Mexican immigrants were rapists, he telegraphed his political stance

on communities of color. His unapologetic and uninformed verbal assaults on Muslims and blacks have energized white supremacists.

Schaaf's the mayor of a diverse sanctuary city with a large immigrant population, and since the presidential election it's become a city where some residents are besieged by fear and intimidation as families are ripped apart.

"When an official has information that could help people, it's their duty to share it," Schaaf told me. "Having information before an ICE action can make a tremendous difference."

In a statement, Thomas Homan, the acting director of ICE, said Schaaf had endangered ICE officers, an announcement that once again advances the government's narrative that all undocumented immigrants are criminals to be considered dangerous.

How does working to feed your family pose a threat to public safety and national security? Most people come here for an opportunity at a better life, much like the European settlers who first came to America, a land already inhabited by indigenous people.

But aren't undocumented people breaking the law of the land? Yes, but in this country laws have been enacted — or ignored — to disenfranchise and oppress people of color since it was founded. The Declaration of Independence, written by white slave owners and white men who profited from slavery, says that all men are created equal.

Equality can only be imagined in this country. But the fight for it, and for what's right, must continue.

We must stay vigilant, like Schaaf.

Eleni Wolfe-Roubatis, immigration program director of Centro Legal de la Raza, an Oakland nonprofit that provides legal support for immigrants and others, said that since Schaaf's warning, her office has been buzzing.

And this breaks my heart: Children have called, wondering whether it was OK for them to go to school because they were worried their parents would be taken while they were in class.

"There is a constant fear in the community that ICE actions are going to be happening, so I think that's very present in people's minds," Wolfe-Roubatis said. "I know we're paying more attention to them now in terms of the media and politicians and others, but this unfortunately is every day for ICE."

Every day ICE is knocking on doors and detaining people. Every day.

Think about what happens in detention, the inhumane treatment some detainees have endured before being deported. I've reported on what some women have encountered at the West County Detention Facility in Richmond, and I'm in the midst of reporting for an upcoming column about the physical torment one man suffered at the facility.

We're at an immigration code red, and Schaaf was right to sound the alarm.

Now let's make sure we have her back.

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GOP California Gubernatorial Candidate John Cox Speaks Out Against Sanctuary State Policy

San Francisco Chronicle, March 2, 2018

California's sanctuary-state policy would be one of the first of many Democrat-supported proposals that will disappear if he becomes governor, Republican John Cox told a sparse crowd at the University of San Francisco Thursday evening.

"I won't enforce it," the San Diego-area businessman said, arguing that Oakland Mayor Libby Schaaf was out of line Saturday when she warned publicly that immigration officials were planning raids in the Bay Area.

"Every public official should comply with the law," Cox said. "The alternative is chaos."

Cox likened Gov. Jerry Brown's ongoing opposition to federal efforts to arrest and deport undocumented residents to Alabama's defiance of Department of Justice demands in 1963 that black students be admitted to the University of Alabama.

"When did Jerry Brown morph into George Wallace?" Cox asked, referring to the governor of Alabama who tried to block desegregation.

Cox, 62, grew up in the Chicago area and ran unsuccessfully for a number of offices in Illinois. He's one of two main Republican candidates in the race to replace the termed-out Brown, although polls show him and Orange County Assemblyman Travis Allen running well behind a pair of Democrats, Lt. Gov. Gavin Newsom and former Los Angeles Mayor Antonio Villaraigosa.

Cox is quick to blame Brown and Democratic legislators for what he says is the mess California finds itself in.

Under Brown, "the poverty rate exploded, the middle class is almost nonexistent and people are crowded out every day by a lack of (housing) affordability," Cox said. Because of what he said was Brown's unwillingness to disclose the extent of California's public pension shortfall, disgraced New York investment adviser Bernie Madoff "is wondering why Jerry Brown is not in the next cell."

Cox opposes a recent gas-tax increase and any effort to revise the rules of Prop. 13, the 1978 property-tax initiative, to free up more money for road repairs and other needs of the state.

"We don't need an expanded gas tax in California," because the state has plenty of cash to do the road and

transportation projects Brown has proposed, he said. "The last thing California needs is more money. Instead we should cut waste and corruption," along with the cronyism and political influence Cox believes is responsible for the high cost of just about everything in the state.

Cox pointed to Caltrans as a main part of the state's transportation problem, arguing that the agency is overstaffed and inefficient, as well as being riddled with waste and outright corruption.

As governor, Cox said he would deal with these problems by working to slash the influence of both unions and business interests in the state Legislature.

Cutting waste and making government more efficient would enable California to do more with less money and clear the way for trimming the state's costs, he said.

Much of the state budget is made up of labor costs that can be cut, Cox argued.

"I think all wages are too high because they're driving people out of the state," he said. "But we have to pay them so workers can afford housing."

That can change in a more efficiently run state, he argued.

"We won't have to pay people as much when their housing doesn't cost as much," Cox said.

Like all Republicans in a state where many voters are deeply opposed to President Trump, Cox tried to carefully work around his relationship with the GOP president.

Trump "is not germane to the race we're running here," Cox said, although the policies the president has pushed, including tax cuts he's signed, the conservative justices he's appointed and the regulations he's eliminated "are extremely good."

But while Democrats may try to talk about Trump to take the focus away from California's problems, Cox said, Trump "is not running for governor of California. I'm running for governor."

Thursday's event, which was structured as an hour-long conversation between Cox and Carla Marinucci of Politico's California Playbook, was part of a series of talks bringing the candidates for governor to the USF campus.

The next candidate to speak will be Democratic state Treasurer John Chiang on March 22.

Despite Sanctuary Status, California Shares License Plate Data Widely

The Verge, March 1, 2018

This week, Immigration and Customs Enforcement (ICE) set its sights on California. In an operation dubbed Keep Safe, ICE detained more than 150 undocumented immigrants across the state, with an estimated 864 residents targeted but still at large. The raids sparked an outright feud with local governments, which scrambled to protect the

targets in any way they could: on Saturday, Oakland mayor Libby Schaaf issued an alert warning citizens that ICE was planning arrests in the coming days, prompting acting ICE director Thomas Homan to compare her to "a gang lookout" in a subsequent appearance on Fox & Friends.

But while local municipalities like Oakland try to block ICE's raids, the region may be cooperating in more ways than leaders realize. In January, ICE closed a contract for agency-wide access to a nationwide network of license plate readers controlled by Vigilant Solutions. Now, there's reason to believe a number of local counties may have been contributing to that network, potentially feeding data back to ICE for use in deportations.

Vigilant documents reviewed by The Verge listed 86 separate California agencies sharing data through the Vigilant network, six of which represent some kind of sanctuary district. The list was incomplete, but it includes a number of Bay Area agencies like San Mateo, Marin, and Contra Costa counties. Given their close proximity, it's likely that those agencies' license plate data includes a number of San Francisco and Oakland residents. Without audit logs, it's difficult to say whether any of those license plate reader systems directly contributed to this week's raids.

379 organizations share plate reader data with Sacramento

Until recently, the list of counties sharing data with ICE included Alameda, where local law enforcement cut off direct sharing with ICE earlier this year. Because of the complexity of the Vigilant system, local ALPR data was directly accessible to ICE for months before the department became aware of the access.

For other Vigilant clients under sanctuary policy, the data can be even harder to track. The San Diego Sheriff's Department has opted out of sharing directly with ICE, but it still shares data with a regional police network called ARJIS, which includes both ICE and local DHS offices.

Even when there isn't a formal interagency agreement, ICE officers can sometimes view data informally at a specific department, a practice Electronic Frontier Foundation researcher Dave Maass has uncovered at departments like Long Beach. "Any of these agencies across the country could be giving access to almost anyone, depending on what their departmental policies are," says Maass. "That's the problem with the whole system. If one particular town decides to give an account to an ICE officer, then that ICE officer has access to everybody sharing data."

"Any of these agencies across the country could be giving access to almost anyone."

Other data-sharing agreements are more indirect. Seattle is a sanctuary city, and while the local police there don't appear to have a Vigilant contract, the region's HIDTA program (high-intensity drug trafficking area) does. That program could serve as a bridge between ICE and the local

license plate readers. Similarly, Dallas County is a sanctuary district, and while the sheriff's department does not share data with Vigilant, the police department and Dallas-Fort Worth airport both do.

The data-sharing list reviewed by The Verge comes from Sacramento Sheriff's Department, obtained by Maass through a public records request. Not every Vigilant client trades data with Sacramento, so the list is necessarily incomplete, but it still provides a glimpse into the vast reach even small departments can achieve through the network. The document lists 379 organizations that share plate reader data with Sacramento, including counties as far away as Florida and New York state. Major departments in Miami, Dallas, Atlanta, and Las Vegas are listed as data sources, as are federal agencies like the US Forest Service and US Postal Inspection Service. Sacramento does not share data with ICE on an agency-wide basis, although it does share with HSI-ICE field offices in Newark, Houston, and New Orleans.

The list (embedded below) also shows 752 different organizations receiving data from Sacramento, including Boston, Indianapolis, and Chicago. Many of those departments are closed systems and do not send ALPR data to any outside organizations. The "received" list includes a number of non-law enforcement clients, such as Yellowstone National Park and a Veterans Affairs hospital in Palo Alto.

"People are afraid to leave their homes."

Even Vigilant's customers are sometimes unsure of how widely their data is shared. Vigilant's broadest network is the National Vehicle Location Service, known as NVLS and available only to law enforcement agencies. But Vigilant has sent mixed messages on how widely data travels through NVLS. After the nationwide contract became public, Vigilant reminded clients that data shared with NVLS is effectively unrestricted among users —describing it as a "share to all" button — in an email obtained by Michael Katz-Lacabe of the Center for Human Rights and Privacy. It came as a surprise to some users, but nine days later, the company reversed course. The new email said ICE never actually had direct access to the NVLS database, even though it was a Vigilant client. Reached by The Verge, Vigilant declined to comment on the two emails, and it's still unclear whether ICE might access NVLS in the future.

One of the challenges for sanctuary cities is a broader culture of data sharing between agencies built up in the years since the 9/11 commission. Even agencies that don't share with NVLS likely share with a local fusion center, federally funded facilities designed to build bridges between national and local law enforcement orgs. Seven of those facilities have direct deals with Vigilant, although, much like local departments, their data-sharing policies are not publicly accessible.

For undocumented immigrants, the result is a terrible uncertainty. "These reports have caused a lot of fear among those communities," says Vasudha Talla, a staff attorney for immigration issues at the ACLU of Northern California. "People are afraid to leave their homes. They're afraid to pick up their kids from school or receive essential services like healthcare."

California has passed a number of state-wide bills to address that fear, both the recent statewide sanctuary resolution and an earlier measure that lets undocumented immigrants apply for a driver's license. But as long as data-sharing networks stay open, it will be hard to make sure federal agencies can't pick up where state agencies left off.

"It's important for sanctuary districts to understand how license plate reader technology really works," Talla says. "The system may have been purchased for one reason, but it can be repurposed to be used against immigrants."

Immigration Agents Conducting Operation In Kern County Detain At Least 24 Undocumented Farmworkers

Bakersfield (CA) Californian, March 1, 2018

At least two dozen undocumented farmworkers in Kern County have been detained and marked for deportation proceedings by federal immigration agents this week as they carry out what appears to be a days-long regional enforcement operation, sources confirmed to The Californian Thursday.

U.S. Immigrations and Customs Enforcement officials would not confirm or deny whether they are operating in Kern County, however the Bakersfield-based United Farm Workers of America has received reports that at least 24 of its members have been detained during pre-dawn busts while on their way to the fields, said UFW communications specialist Leydy Rangel. The organization has documented scores more outside of Kern in the Central Valley.

"They're picking up our people when we're going to work," Rangel said. "When are you safe? It's not only a worry about coming home at night, but am I going to make it to work today in the first place?"

Those detainments come as federal immigration officials crack down on California, launching widespread enforcement operations from Los Angeles to San Francisco that have netted hundreds of arrests. In the Bay Area this week, agents arrested more than 150 undocumented immigrants — roughly half of whom had criminal convictions, ICE Spokesman James Schwab said in a written statement. ICE agents detained more than 100 people in Los Angeles in mid-February, according to multiple reports.

Those types of targeted enforcement operations, coupled with local reports of a heightened ICE presence in heavily-Latino communities since at least Monday morning,

has stoked fears. UFW officials confirmed there have been detainments and ICE sightings in Taft, Arvin, Wasco, Porterville, Lamont and Weedpatch.

ICE officials, however, say that the operations being conducted across the state are being forced by uncooperative policies in California, which bar federal agents from entering jails to take undocumented immigrants into custody.

"ICE has no choice but to continue to conduct at-large arrests in local neighborhoods and at worksites, which will inevitably result in additional collateral arrests, instead of focusing on arrests at jails and prisons where transfers are safer for ICE officers and the community," ICE Spokesman James Schwab said in a statement.

Some individuals detained perhaps were not targeted by ICE, but were swept up in enforcement because they didn't know their rights, said Erica Lomeli, civic participation and policy director with the UFW foundation. In at least one case, a group of farmworkers who stopped for coffee on their way to work spotted an ICE agent across the street and began to flee the area. That agent detained two people, Lomeli said.

"It's stressful," Lomeli said. "It's nerve wracking."

One undocumented woman in Arvin who refused to be identified out of fear of deportation hid behind her curtains while recording a video of what appeared to be an unmarked patrol vehicle on her street, its lights flashing.

"She called one of our members and said she couldn't take her daughter to school because she was going to remain inside her house," said Gabby Fernandez, a community organizer with the Dolores Huerta Foundation who works in the area on immigration issues.

Fernandez said she's heard reports from community members of ICE agents setting up pre-dawn checkpoints on Highway 223, the main artery between the farmworker communities of Lamont and Arvin, where they've captured fieldhands on their way to work.

In Taft, a group of five farmworkers were stopped on their way to work by an unmarked SUV. The driver had documentation, but the rest didn't and were detained, said Lomeli, whose organization interviewed the driver about the incident.

Win Eaton, a prominent Bakersfield immigration lawyer said he's also heard reports of what he describes as "random community racial profiling."

One man, a U.S. citizen of Mexican descent, was pulled over by an ICE agent in an unmarked patrol car Wednesday evening, Eaton said. He was asked for his identification, which he provided, then the agent asked if he had "picked up any farmworkers today," Eaton said. His passenger, another U.S. citizen of Mexican descent, wasn't carrying his license and was detained before being released, Eaton said.

"Everyone just feels a lot of fear and a lot of panic. We know these raids have been happening the last four or five

days and they've been in areas where it's very Latino-oriented. It's very scary for some people because they don't know what's going on," Fernandez said.

Organizers at the UFW and Dolores Huerta Foundation have been creating rapid-response units, heading to the fields early in the morning this week to assist workers finding legal representation, hosting community forums educating undocumented immigrants on their rights and keeping track of deportations underway.

Meanwhile, Clinica Sierra Vista, one of the region's largest Federally Qualified Healthcare Centers, issued a statement Thursday evening encouraging patients to not forego appointments, but to "proceed from their homes to the clinics with extreme caution, especially in our rural communities, where ICE checkpoints have been reported."

The organization fielded several calls this week from patients worried about rumors of ICE agents stationed outside clinics in Lamont and Weedpatch — something Clinica Sierra Vista officials said was erroneous.

DHF and the UFW are also urging people to shoot cellphone videos and pictures of ICE agents they see so that widespread warnings can be issued to the community. Federal immigration officials eschewed a similar warning this week when Oakland Mayor Libby Schaaf issued a warning of ICE raids to residents, something U.S. ICE Deputy Director Thomas Homan described as a "reckless decision" that put his officers at risk.

The arrests underscore a political battle brewing between California — which has proclaimed itself a "sanctuary state," — and ICE, which under the Trump Administration has been given greater discretion than ever before to detain and deport undocumented immigrants.

"California is being punished because of the Sanctuary State Act," Eaton said, adding that the state law signed by Gov. Jerry Brown last year has been widely misunderstood. The law prohibits state and local law enforcement from questioning or detaining people, or sharing information about them with federal ICE agents unless they had been convicted a serious crime.

"It's not a matter of protecting people who are a danger to California. It's a matter of keeping families together and preserving the human dignity that every human being deserves," Eaton said.

Homan told Fox news in January that his agency would "significantly increase" its presence in California because of the sanctuary state law.

"They are about to see a lot more special agents — a lot more deportation officers," Homan said.

Local immigration detainments are made possible, Eaton said, by a U.S. Department of Homeland Security memorandum that allows agents "full authority to arrest or apprehend an alien whom an immigration officer has

probable cause to believe is in violation of the immigration laws."

"That crosses in and gives full authority to racial profiling," Eaton said, describing individual agent's powers now as "unlimited" under the current directives.

Fear Of ICE Raids Grips Vallejo Immigrant Community

Vallejo (CA) Times Herald, March 1, 2018

Concern rippled through the local immigrant community Wednesday when talk of U.S. Immigration and Customs Enforcement (ICE) raids in Vallejo and Solano County began spreading.

In Vallejo, a previously removed citizen of El Salvador, who has multiple criminal convictions for driving under the influence, was arrested according to a news release from ICE sent out on Thursday afternoon.

There were 232 illegal aliens arrested during an ICE operation in Northern California, the release states.

"Of those arrested, 180 were either convicted criminals, had been issued a final order of removal and failed to depart the United States, or had been previously removed from the United States and returned illegally," the release added. "One hundred fifteen had prior felony convictions for serious or violent offenses, such as child sex crimes, weapons charges, and assault, or had past convictions for significant or multiple misdemeanors."

Vallejo officials did not mention the arrest of the man from El Salvador. They did say that immigration agents were in the area and were reportedly conducting surveillance.

"There was so much panic, there were people who didn't want to send their kids to school, who didn't want to go to work, who didn't want to leave their home," community activist Mina Diaz said. "That's not good for anyone."

Diaz and Vallejo Mayor Bob Sampayan said they were informed that federal immigration agents did detain several people in Napa, however.

"Two arrests were made outside the La Tapatia there, which may help explain what happened here, because the owners have another restaurant with the same name here," Diaz said.

Sampayan said his office, too, fielded many calls, emails and social media posts from community members who believed that ICE raids were taking place in Vallejo.

"We are a safe city and as such, we are not helping or supporting ICE agents, who may, as a courtesy, notify us if a team will be in the city," he said. "But, they are unlikely to give us specifics. I did learn (Wednesday) that ICE conducted a surveillance here, but no raids. I spoke with Napa County Supervisor Belia Ramos, who told me about the ICE action in Napa, and that there were agents who also came down into American Canyon and Vallejo."

Ramos didn't immediately return an email requesting comment. Neither did American Canyon City Council woman Mariam Aboudamous, who is also an immigration lawyer.

Sampayan said that he is perfectly OK with criminals, regardless of their immigration status, being arrested and detained, but is not OK with anyone being harassed only because of their immigration status.

"It's about public safety," the former Vallejo Police Officer said. "I firmly believe we need a safe community, free from fear, but, if someone has a warrant for a violent felony, or is a validated gang member, we don't want you in Vallejo. We don't want violent people in this city."

Sampayan said people should know that otherwise, it is not city policy to ask anyone's immigration status, despite "the tone the current presidential administrator has set for the nation."

He said he wants crime victims in particular to feel comfortable knowing that coming forward to report a crime will not result in anything immigration status-related happening to them.

"I can't be more emphatic that we are a safe community," he said. "We respect who you are, regardless of where you're from. It's not the city's policy to be part of any immigration crackdown."

Sampayan said he's saddened that there's so much fear among certain populations of being "swept up" in federal immigration raids.

"It scares me, and takes me back to the internment of Japanese Americans during World War II," he said. "It boils down to this: The City of Vallejo is a safe city and we will continue following that policy. The federal government is a separate entity from us."

Diaz said she is working on getting Solano County involved in something called the Rapid Response Network, that alerts people in the network when there are confirmed ICE actions in a participating city, so they can "take appropriate action." A meeting about this is planned for March 8, she said.

"I want people to know their rights, regardless of their immigration status," she said.

"I'm very distressed by this," Sampayan said. "By the fear I'm hearing from minority members of our community."

Longtime Napa Resident Arrested In ICE Sweep; Family In Shock

San Francisco Chronicle, March 2, 2018

Jesus Manzo Ceja walked out of his Napa home before 6 a.m. Wednesday intending to move his truck from a spot where he worried it might get towed. Instead he found immigration officers waiting for him in the dark with a warrant for his arrest.

Now the 55-year-old construction worker and father of three — who came to the U.S. nearly 30 years ago but never gained legal status — faces potential deportation to his native Mexico, according to family members.

They wonder if an arrest nearly 15 years ago caught up to Manzo Ceja amid the Trump administration's immigration crackdown and this week's big Northern California sweep, which ended Wednesday. They also worry about other undocumented family members being arrested, including Manzo Ceja's wife, 54-year-old Guadalupe Manzo.

"We didn't expect it at all," the couple's daughter, 27-year-old Brenda Manzo-Garcia, said Thursday at the family's rental home. "When they took my dad, they asked for my mom, and she was too scared to come out of the house."

Manzo Ceja was one of 232 people arrested during the four-day Northern California operation by the agency known as ICE that launched Sunday and was designed to counter California's sanctuary policies, which restrict local cooperation with deportation efforts.

The sweep, named Operation Keep Safe, has intensified distrust between the Trump administration and California's liberal leaders, especially after Oakland Mayor Libby Schaaf's extraordinary decision on Saturday night to help immigrants and their families by announcing that the sweep was imminent.

ICE did not release the names of people arrested or the circumstances, so the picture of those targeted has remained fuzzy. A Chronicle reporter met Manzo Ceja's family at a Wednesday protest outside ICE's San Francisco headquarters.

Agency officials said they generally focus enforcement on people considered threats to public safety. In this week's operation, ICE said 115 of the 232 people arrested had prior criminal convictions, including some for violent offenses. But the agency also said it "no longer exempts classes or categories of removable aliens from potential enforcement."

Arrests of undocumented immigrants without criminal convictions have risen sharply under the Trump administration. In the first three months of fiscal year 2018, which began Oct. 1, the San Francisco field office made 373 arrests of noncriminal undocumented immigrants — roughly 100 fewer than the entire 2016 fiscal year, during the Obama administration.

Among those detained this week, ICE said in a statement, was Napa resident Armando Nuñez-Salgado, 38, a "documented Sureño gang member" with four previous deportations to Mexico and multiple criminal convictions, including assault with a deadly weapon and hit-and-run.

Nuñez-Salgado's family told reporters he had been brought to the United States as a child and had moved past the troubles of his early life.

In Bay Point, officials said, officers arrested a man with eight past deportations and a conviction for assault with a

deadly weapon, and in Stockton they arrested a man with a conviction for committing lewd acts on a child.

Some of those arrested this week will be deported immediately, while others will begin hearings over their status in immigration court. ICE said some would be prosecuted for illegal re-entry.

The acting head of ICE, Thomas Homan, has said that because of sanctuary laws, officers would have to double down in California and would be forced to make arrests in communities because of their inability to pick up individuals from local jails.

He has also warned that ICE officers would inevitably come across other undocumented immigrants in the course of targeted actions and make what are known as collateral arrests.

The operation has left Manzo Ceja's family members in crisis, worried that they will be split up. While two of his children, Manzo-Garcia and her 15-year-old brother, are U.S. citizens by birth, his wife and his 29-year-old son, who also lives at the home in Napa, are undocumented.

Manzo Ceja's wife was pregnant with Manzo-Garcia when the couple and their 2-year-old son crossed into California from Tijuana in 1990, family members said. Over the years, they said, he has worked in the fields for a variety of Napa Valley wineries.

Last summer, he lost a vineyard job when his wife had multiple hernia surgeries, she said. Recently, he's been juggling construction jobs while taking his wife to weekly medical appointments and his 15-year-old son, Juan, to physical therapy. The teen had open heart-surgery as an infant, his mother said, and has needed constant care since.

Family members — who said Manzo Ceja had a valid California driver's license — were shocked by the arrest warrant, saying they had never received any correspondence from ICE. Manzo Ceja's wife said he spent three weeks in jail 14 years ago after an arrest for driving under the influence, and that he had been cited in the past for driving without a license.

Relatives said Manzo Ceja hadn't been deported before, and had never returned to Mexico. They said he called his family Wednesday and told them he was in custody in Stockton. As of Thursday afternoon, they hadn't received another call, and were trying to reach him.

"It's hard to imagine to be without him here," Guadalupe Manzo said. "He's the head of the family."

BORDER SECURITY

Leahy Bill Cracks Down On Border Device Searches

VTDigger (VT), March 1, 2018

Legislation introduced in Congress this week would put restrictions on when United States border patrol can look through travelers' electronic devices.

Under current law, border agents have broad authority to inspect the contents of travelers' phones and computers as they enter the country, and searches appear to be increasing in frequency, according to Department of Homeland Security data.

Sens. Patrick Leahy, D-Vt., and Steve Daines, R-Mont., introduced a bill Tuesday that would require officers to have reasonable suspicion or probable cause to look through Americans' electronic devices at the border. Warrants would be required in some cases, for forensic searches and within 48 hours of seizing a phone. The law also would apply to permanent American residents.

Under the measure, the government also would be required to produce an annual report on the number of searches and seizures, as well as statistics on travelers whose devices were searched.

In a statement, Leahy said the bill is a "vital step" toward protecting constitutional rights, without hindering border enforcement.

"Americans do not lose their Fourth Amendment rights at our borders," Daines said.

The bill is seen by some civil liberties advocates as an improvement over the current system, but they said the proposal does not go far enough. They would like to see a warrant required for any search of devices.

A spokesperson for Customs and Border Protection would not comment on the proposed legislation, citing agency policy.

The agency searched a total of 30,200 devices belonging to travelers entering or leaving the country in fiscal year 2017, according to the Department of Homeland Security.

CBP searched devices of 29,200 people as they were entering the United States, approximately 0.007 percent of the roughly 397 million people who entered the country that year.

However, the number of searches increased by 64 percent over the previous year when CBP searched devices of more than 18,400 people — 0.005 percent of 390 million international travelers.

Travelers entering the United States through ports of entry along Vermont's northern border have reported being detained while officials perused their devices, deleted content, or required them to delete photos.

Ghassan and Nadia Alasaad, the lead plaintiffs in a lawsuit brought by the American Civil Liberties Union and the Electronic Frontier Foundation, say border agents at the Highgate Springs port of entry on Interstate 89 demanded that they turn over their unlocked phones when they were returning home from Canada last July.

They were detained for six hours at the border, according to the suit. When their phones were returned two weeks later, some videos of their daughter's graduation were deleted.

Journalist Terry Allen, a freelance contributor to VTDigger, had a similar experience at the same port of entry last year.

Allen was asked to delete photos that she had taken with her camera at the border. During the exchange, an officer asked her to hand over her phone for inspection, which she refused, and the issue was dropped.

CBP issued a new policy for searching travelers' devices in early January, but they have come under fire, by Leahy as well as others, for not sufficiently protecting Americans' constitutional rights.

At a congressional hearing in January, Leahy pressed Secretary of Homeland Security Kirstjen Nielsen about the protections in place. He asked theoretically about what an officer could ask of him, if he were coming back into the United States from Canada.

"I pull up there and they say we want your laptop and your phone and your passcode, and I say well do you have any reason. They say, we don't need one," Leahy said. "Is that correct? They can do that?"

Nielsen confirmed that is true.

"They can search the data that is apparent on the phone," she said. She said CBP cannot use someone's device to access information stored remotely, such as on the cloud. Generally, they will ask people to disconnect their phone.

As the exchange continued, Leahy asked her to confirm that agents do not need probable cause to look through someone's phone.

Nielsen contended that officers need some reason for a search, and emphasized that "we're talking about 0.01 percent" of travelers.

"I don't care what it is," Leahy said. "Welcome to America."

Esha Bhandari, an ACLU staff attorney who is leading the Alasaad's case, said the proposal in the bill to establish a standard of probable cause for officers to search travelers' phones is a "welcome improvement."

However, she said, the ACLU believes all searches should require a warrant.

Bhandari said it is "troubling" that the number of device searches is increasing. She also said there is no data on who is being stopped for searches, which could allow for profiling based on race, religion or other factors.

"There's a real concern that people are being singled out for such searches," she said.

Sophia Cope, a staff attorney at Electronic Frontier Foundation, who also works on the Alasaad case, said there are more privacy concerns with phones and other electronics

because they contain more personal information on them than an item like a wallet or purse.

"The data on the devices, the privacy interests are so significant," she said.

Cope also said the group regards the Leahy-Daines proposal as "an improvement over the status quo," but she said they would prefer a bill offered by another bipartisan pair of senators that would require a warrant for all electronic device searches.

David Carle, a spokesperson for Leahy, said the proposal the senator put forward "represents a substantial step" toward protecting Americans' privacy.

Leahy also "believes this standard is more workable and achievable in this Congress," Carle said.

Asked why the bill does not require the same standards for searching phones of people who are not American citizens, Carle said that there is "a clear constitutional gap" between CBP practices and constitutional protections for American citizens, but that is "less clear" for non-citizens.

Cartels Using 'Disposable' U.S. Teens As Drug Mules, Agent Says After \$1M Bust On Texas Border

By Sarah Sarder

Dallas Morning News, March 1, 2018

Border agents found nearly 1,200 pounds of marijuana being smuggled through Brownsville last week after a driver lost control and crashed.

Agents from the Fort Brown border patrol station first noticed the vehicle Feb. 22 because it was speeding. They gave chase and found the driver had flipped the vehicle, according to a written release from U.S. Customs and Border Protection.

The vehicle contained 52 bundles of marijuana weighing over 1,200 pounds, according to the release. The estimated value of the drugs is \$969,000. The drugs were turned over to the Drug Enforcement Administration.

"Juveniles in our community are being exploited," Patrol Agent in Charge Letisia Camarillo said in the release. "They are making decisions that put themselves at risk and they don't understand the consequences. Juveniles are viewed as cheap and disposable labor, a means for cartels to push their illicit product."

Both the driver and the passenger are U.S. citizens, and the passenger is a juvenile, a press release from U.S. Customs and Border Protection stated.

"[Cartels] constantly recruit to replace kids that are arrested and prosecuted," Camarillo said. "It's a horrific cycle and we need to come together to educate our children about the consequences."

The driver and passenger will face charges of narcotic smuggling from the Cameron County district attorney's office.

CBP: Los Fresnos Man Arrested With 10 Pounds Of Cocaine

By Diana Eva Maldonado

Rio Grande Valley (TX) Morning Star, March 1, 2018

A young Los Fresnos man is in federal custody after U.S. Customs and Border Protection officers say they discovered cocaine in his SUV.

According to an agency news release, the 22-year-old man was crossing the Gateway International Bridge on Wednesday in a gray 2002 Jeep Cherokee when he was ordered to undergo a secondary inspection.

Officers say a canine unit discovered four packages of cocaine hidden inside the Jeep. The drug weighed 9.83 pounds and has a street value of \$75,820.

The suspect's name has not been released. He was taken into custody and turned over Homeland Security Investigations (HSI) special agents and CBP officers seized the narcotics and the Jeep.

IMMIGRATION POLICY

With No More Deadline, Congress Has Stopped Talking About Immigration

By Paul Kane

Washington Post, March 1, 2018

Take away a deadline, and Congress will simply lose its focus on any issue — even the heated debate around immigration.

At Tuesday morning's House Republican briefing, just one of the five GOP leaders made a reference to the issue, and it was a passing one — a proposal meant mostly to placate conservatives, not a real solution that could get signed into law.

Across the Capitol, a few hours later, Senate Majority Leader Mitch McConnell (R-Ky.) and four senior Republicans did their weekly briefing. Topics ranged from gun background checks to the Winter Olympics. There was no immigration talk at all.

The four Senate Democrats who followed McConnell also made no mention of the looming Monday deadline to resolve the fate of 800,000 undocumented immigrants who have been shielded from the threat of deportation under an expiring executive order.

It's understandable that most of the attention has shifted toward the fallout of the Valentine's Day massacre of 17 students and faculty at a Florida high school, with the media intensely focused on gun laws and school violence.

All but one of the 17 questions fielded by House Speaker Paul D. Ryan (R-Wis.) and Senate Minority Leader Charles E. Schumer (D-N.Y.), at their separate press briefings, related in some way to the Parkland, Fla.,

shootings. The lone outlier focused on the memorial service for the Rev. Billy Graham.

This was supposed to be the week when Congress would force itself to resolve the dispute over the Obama administration's Deferred Action for Childhood Arrivals (DACA) executive order, which President Trump announced in September he would revoke on March 5, giving Congress a six-month window to resolve the issue.

It was, in some ways, a masterful idea by the Trump West Wing, living up to his tough talk on immigration during the presidential campaign in 2016 but also foisting the issue into the laps of lawmakers.

But now, amid legislative and judicial gridlock, lawmakers and the media have moved on to other topics. First, the Senate failed two weeks ago to approve any compromise. Then, the Supreme Court declared it would not wade into the legal challenges to the DACA program until it plays out in lower federal court rulings — a legal process with no obvious end date in sight.

"We would be well advised to continue our work on it, but it seems to me that a lot of the air is out of the balloon here in the Capitol, and people don't sense its urgency," said Sen. John Cornyn (Tex.), the Republican whip who had been leading bipartisan talks.

Cornyn's lead negotiating partner, Sen. Richard J. Durbin (Ill.), the Democratic whip, has declared helping the "dreamers," as the undocumented immigrants who were brought here as children are known, an urgent, moral mandate. But even he understands why the issue has fallen off the radar.

"Along comes this tragedy, in the high school in Parkland, Florida, and the response of the young people and the national response of the subject, it blows away all other conversations about DACA and the Dream Act, North Korean nuclear threats," Durbin said.

He and Cornyn have not held any serious immigration talks in weeks, he said — and he added that the same is true for a separate bipartisan group of centrist senators. And none are on tap.

"We talk but at this point we don't have a plan," he said.

Just like that, in the span of a few days — Senate gridlock, a madman's bullets killing children and a judicial ruling — and the issue that consumed Washington for most of December, January and February is no longer worth a mention at a leadership news conference.

That's not to say the issue has subsided from the political debate. Activists are trying to keep the pressure on Trump and Congress, with a rally planned for Sunday in Washington to draw attention to Monday's DACA deadline that is set to pass without much fanfare.

In southwestern Pennsylvania, Republicans are furiously trying to stave off an embarrassing loss in a special election to fill a vacant House seat. The district tilted toward

Trump by nearly 20 percentage points in 2016, a year in which Democrats did not even field a candidate against the longtime Republican incumbent, Tim Murphy, who resigned amid a scandal late last year.

Now, to halt the momentum for Democrat Conor Lamb, a GOP super PAC called the Congressional Leadership Fund has unleashed a new ad that ties Lamb to House Minority Leader Nancy Pelosi (D-Calif.) and her hometown San Francisco's status as a "sanctuary city" for people in the country illegally.

"Conor Lamb wants to help Nancy Pelosi give amnesty to millions of illegal immigrants," the narrator says. "Sanctuary cities and amnesty for illegals. Conor Lamb is a Pelosi liberal."

Lamb, 33, a former assistant U.S. attorney, does support a path to citizenship for DACA recipients, but he has stated that he will not vote for Pelosi as speaker. That position was highlighted in a new ad he is running that calls for new leadership in both parties.

Clearly, Republicans believe the issue still has resonance with their conservative base voters, especially if it is mixed in with images of Pelosi. And Lamb seems to be aware of the threat.

But Republicans could face their own political dilemma if the federal courts rule that DACA was illegal, which would effectively reinstate Trump's order and revoke protections from those 800,000 people. Deportations could begin quickly.

"I don't believe that Senator McConnell and the Republicans want to see too many people deported out of Nevada and Arizona in the weeks and months ahead," Durbin said.

He named two southwestern states with large dreamer populations where Republicans are trying to defend two Senate seats that could flip control of the Senate in the November midterm elections.

Republicans are well aware of the potential for a court ruling at any time.

"I've been working in and around courts long enough to know things can turn on a dime," said Cornyn, who served as Texas attorney general, and on the state Supreme Court, before winning his Senate seat 15 years ago.

That said, Cornyn remains less than optimistic about congressional action until that court order arrives and forces action. Stating the obvious, he said: "We don't do things around here unless there is a deadline."

'DACA Is Probably On Ice For A Long Time'

Washington Examiner, March 2, 2018

Action to protect so-called Dreamers from deportation has stalled indefinitely, with neither President Trump nor Democrats and Republicans in Congress feeling pressure to compromise as the midterm elections approach.

These nearly 2 million illegal immigrants, brought to the U.S. as children, remain at some risk of deportation despite the Supreme Court essentially nullifying Trump's March 5 deadline to end the Deferred Action for Childhood Arrivals program implemented by his predecessor.

But with the elections looming, all sides retreated to their partisan corners after legal action eliminating the hard Monday deadline to enact permanent protections for DACA participants and others eligible for the program drained any momentum that existed to negotiate a deal.

"A lot of the air is out of the balloon here in the Capitol and people don't sense its urgency," Senate Majority Whip John Cornyn, R-Texas, said this week. "We don't do things around here unless there's a deadline."

Crafting consensus immigration legislation has proven virtually impossible over the years under the best of political circumstances. With the midterm elections eight months off — and the practical conclusion of the legislative season just four months off, at best — chances for a DACA deal are increasingly remote.

Midterm elections, especially, are about maximizing turnout by activating the base: committed voters most likely to show up in nonpresidential elections. This year's is shaping up as a backlash against Trump and threatens Republican majorities in the House and Senate.

Neither side is inclined to jeopardize their re-election by taking an uncertain vote on hot-button immigration legislation, despite bipartisan support for providing legal status to approximately 1.8 million Dreamers, adults brought to the U.S. as children through no fault of their own.

"DACA is probably on ice for a long time, now," said one congressional Republican who has been active in the DACA talks, requesting anonymity in order to speak candidly.

Sen. Lindsey Graham, R-S.C., another integral player in the negotiations, who is close with Trump, sounded exasperated when asked Thursday to describe the state of the conversations and when a deal might be reached. "I have no idea," he said, flatly.

Around 800,000 people were initially enrolled in DACA, a program created by former President Barack Obama through executive action after legislation to legalize Dreamers failed in Congress, in large part due to Republican opposition in the House. Trump ended the constitutionally questionable program last fall, but gave it a months-long wind-down period that was supposed to conclude March 5.

Indeed, congressional Democrats spearheaded a partial government shutdown in late January to try and get the president to compromise with them on DACA legislation.

But then a federal court judge ordered the Department of Homeland Security to continue accepting renewal applications from DACA participants indefinitely. The Trump administration asked the Supreme Court to intervene; On

Monday it declined, leaving the case to the lower courts for adjudication.

Trump has proposed legalizing all Dreamers, both DACA participants and those eligible, in exchange for billions in funding for a security wall along the southern border and other enforcement measures, as well as a change in U.S. immigration policy to end the priority given to relatives of citizens and legal residents, replacing it with a merit-based system.

The president also wanted to substantially reduce legal immigration as a part of that proposed DACA compromise. That particular demand didn't sit well with many Republicans in Congress, although many in the GOP agreed with Trump. It was a unanimous nonstarter with Democrats, who blame the president for the breakdown of the talks.

"There is nothing more we could have done. We are prepared to do whatever's necessary but we cannot pass a measure to correct the problem created by President Trump without President Trump," Senate Minority Whip Dick Durbin, D-Ill., said. "We don't know what he wants."

Trump and his Republican allies on this issue counter that it's the Democrats who are blocking a deal, because of their fidelity to altering the immigration system that gives preference to family members. Republicans refer to this as "chain migration," Democrats call it "family reunification."

But some Republicans agree with Durbin that the problem lies with Trump and his habit of moving the goalposts. It's not necessarily that he's driving a hard bargain on DACA, Democratic and GOP sources told the Washington Examiner, it's that his demands keep changing, making it impossible to strike an agreement.

"The ball is largely in the president's court, but he goes back and forth," said a Republican insider who opposes Trump's hawkish immigration positions and has been active on the DACA issue.

"[Trump] said he would sign a Dreamer and border deal, he said he would sign what Congress [passed,] and he even said he'd take the heat if his own base was upset. But since then, he's rejected five different bipartisan deals," added Todd Schulte, a Democratic operative who leads the pro-immigration group, FWD.us.

The earliest the DACA case could end up back in the Supreme Court is this coming fall. A key question in the interim is whether the Department of Homeland Security would deport either Dreamers whose DACA status has lapsed or is in flux or those illegal immigrants eligible for DACA but who never signed up.

Democrats are concerned, and some Republicans warn that it could happen. Others believe that threat could spur a DACA deal, with Trump and the Congress motivated to avoid the bad political optics mass deportations of Dreamers so close to the midterm elections.

Sen. David Perdue, R-Ga., aligned with Trump on DACA, downplayed fears about possible deportations and said he expects an agreement to be hammered out at some point.

"We still have the motivation, there's still an uncertainty whether it's this year or next year," he said. "There are conversations that I'm involved in that are ongoing. We got very close."

When Allies Attack: Friction Between Democrats, Immigration Advocates

By Joe Williams

Roll Call (DC), March 1, 2018

Friction lingers between Senate Democrats and progressive advocacy groups after the chamber failed to advance a bipartisan bill in February to protect the young undocumented immigrants known as Dreamers.

Tensions came to a breaking point in the weeks before the Senate voted on several immigration-related proposals aimed at extending the Deferred Action for Childhood Arrivals program, aides say. The rift was a long time in the making, as some Democratic lawmakers questioned the strategy that pro-immigration and progressive groups used to drive action over the past six months.

A handful of those groups — earning the ire of some Democrats — opposed a key bipartisan measure days before the Senate vote. And advocates in recent months increasingly exerted pressure on members of their own party, whose support for addressing the DACA issue was already locked in.

Democratic senators and aides felt that time could have been better spent targeting the dozen or so Republicans who could have potentially voted for the measure.

Watch: Trump's Impulsiveness Could Get in Way of Border Wall Promise

"It was unfortunate. I very much appreciate the frustration, the fear, the anger that they have. But they needed to direct it to the people that are stopping this from happening, and it's not Democrats," said Sen. Debbie Stabenow of Michigan, chairwoman of the Democratic Policy and Communications Center.

Missouri Sen. Claire McCaskill said she saw "missed opportunities to put pressure, particularly on Republicans in states where there's a great deal of support for these young people."

But activists said they couldn't let any lawmaker off the hook.

"We can disagree with those who we believe are our friends, [but] we need to make sure that they understand that we are going to continue pressuring," Ben Monterroso, executive director of Mi Familia Vota, an organization focused on civic engagement among the Latino community, said in a

recent interview. "I just don't think that giving a pass to any elected official because they are saying that they would act, we need to remind them that actions speak louder than words." Lowering the bar

Lawmakers say expectations were set that exceeded what Democrats could feasibly do as a minority party in both chambers. And some still question the decision to shut down the government in January over the immigration issue.

Advocates counter that the strategy, including the government shutdown, was crafted by the top brass of Senate Democratic leadership and that outside groups were simply adhering to guidance Senate Minority Leader Charles E. Schumer and others provided last year.

A number of advocacy organizations, like United We Dream, released statements in December and January urging Democratic lawmakers to withhold votes for the short-term spending bills.

But a senior Democratic aide denied that party leadership had encouraged outside interest groups to push for a shutdown.

Tensions also spiked when some interest groups came out in strong opposition to a bipartisan bill that would have provided a path to citizenship to millions of dreamers but also forced Democrats to make deep concessions on other immigration issues.

"Progressive organizations on the outside have got to realize that progressives are not in charge of the House or the Senate or the White House," said Ali Noorani, executive director of the National Immigration Forum. "That requires a different calculus of how you get things done."

The disagreements culminated in a failed vote on a bill from South Dakota Republican Mike Rounds and Maine independent Angus King. Of the four measures the Senate voted on, it had been viewed as the only one that could have theoretically passed the chamber. While a large portion of the Democratic caucus voted for the bill, three senators — Kamala Harris of California and Tom Udall and Martin Heinrich of New Mexico — voted against it.

"We felt that Sens. Harris, Udall and Heinrich made the wrong decision. I think that showing the White House that there were 57 bipartisan votes versus the 39 partisan votes that the White House had been able to organize would have been a very good contrast," Noorani said.

Only eight Republicans supported the legislation, but Democrats believe that leading up to the vote as many as seven or eight more GOP members — enough for the legislation to pass — were poised to back it until the White House took drastic steps to discredit the bill. Some believe their support could have been firmed up if advocates had spent less time pressuring Democrats who, by and large, were already supportive of the bill.

[Republican Senators Look to Get Out Front on Immigration] Falling short

The frustration over the involvement of outside groups is not exclusive to Democrats. Some Republicans who are active on immigration said conservative advocates could have done more to push the issue.

"The business community, I was underwhelmed by their response," Sen. Lindsey Graham of South Carolina said. "The passion that needs to be there for immigration reform by the business community is not. You had some high-tech working groups that helped around the margins, but the Chamber of Commerce and others were pretty much AWOL."

Democrats and some Republicans were facing a March 5 deadline that President Donald Trump set last year when he announced he would terminate DACA. But federal judges have since blocked the administration from shutting down the program, leaving the people it protects in a sort of legal limbo.

Yet with wounds over the failed Senate vote still fresh and as questions linger over whether the White House actually wants a deal, it's not clear whether even a smaller, more focused bill could advance.

"The president has now turned down a series of bipartisan deals. The president turned down \$25 billion in wall funding, and the reason that that appears to be happening is because there are folks in the administration who are only interested in protecting Dreamers if it comes with massive cuts to legal immigration," said Todd Schulte, president of FWD.us, a bipartisan advocacy group. Advocates to the rescue?

The work of outside interest groups can have a substantial impact on major legislation.

Senators on both sides of the aisle credit the work of advocates as a key reason why Democrats were successful in blocking a measure to overhaul the 2010 health care law. But members say there are stark differences between that effort and the ongoing campaign on immigration.

Democratic aides say the DACA advocacy community is less politically knowledgeable and that the decision by Trump to end the program caught the community by surprise. Advocates counter that the end of the program was foreshadowed by Trump's tough rhetoric on immigration throughout the campaign and believe Democrats should have been more prepared for the decision.

The strategy employed by outside groups, Democratic aides say, was fraught from the start. Sources say Schumer and other Democratic leaders agreed early on in the debate that withholding votes for a government spending bill would be necessary to push an immigration vote on the Senate floor.

Advocates say they were told to put pressure on Democrats in advance of every vote on a spending bill, including prior to the continuing resolution that Congress passed in December to extend government funding to January 2018. Senior Democratic aides deny encouraging such a campaign.

Progressive organizations like Crooked Media, a group started by staffers who worked for former President Barack Obama, published lists of Democratic senators who vowed to vote against a short-term spending bill without a DACA fix and urged advocates to pressure those members who had not yet publicized their position.

A spokesperson for the group did not respond to an interview request.

Groups also arranged sit-ins and staged protests outside of Schumer's Manhattan office.

Democratic aides say the intense focus on members who already supported legislation to protect the Dreamers was misplaced.

"Advocates, I think, turned the debate into a less successful endeavor potentially because they focused on congressional Democrats as opposed to the administration," one aide said. "I don't think anyone here doubts their intentions. The entire Democratic caucus in addition to the operative world thinks their intentions were good, but the tactic they choose was ill-fated."

Aussie PM Focused On Completing Refugee Agreement With US

Associated Press, March 1, 2018

CANBERRA, Australia — Australia's prime minister said Friday that his country will not consider options for resettling refugees languishing on Pacific islands until the United States fulfills its promise to take up to 1,250 of them.

More than a year after President Donald Trump reluctantly agreed to honor an Obama administration deal by resettling hundreds of refugees rejected by Australia, Prime Minister Malcolm Turnbull told reporters that around 200 had so far found new homes in the United States.

Australia has a policy of not allowing any refugees who try to arrive by boat to settle in the country. It pays neighboring Papua New Guinea and the tiny atoll nation of Nauru to hold around 2,000 asylum seekers from Africa, the Middle East and Asia who have attempted to reach Australian shores since 2013.

At a meeting with New Zealand Prime Minister Jacinda Ardern in Sydney on Friday, Turnbull again rejected a longstanding New Zealand offer to accept 150 refugees.

"We are focused on completing the much larger arrangements with the U.S.," Turnbull said. "We'll take that process through to its completion and then we can consider other options."

Ardern replied that: "From New Zealand's perspective, the status quo remains, the offer remains."

The government fears that refugees from Nauru and the Papua New Guinea island of Manus could use New Zealand as a back door into Australia, since New Zealand citizens are free to travel to and live in Australia.

This could undermine Australia's message that refugees who arrive by boat will never be allowed to stay.

Refugee Action Coalition spokesman Ian Rintoul, an Australia-based advocate, said Australia should immediately accept the New Zealand offer to end the unnecessary suffering of refugees who have spent close to five years on the impoverished islands.

"They do not know how many people the United States will take and they expect anything up to 500 people are not going to be able to be accounted for by the U.S. deal," Rintoul said.

"So the prime minister's refusal to look at the New Zealand offer just ignores the fact they that have no resettlement program for all the people who are on Manus and Nauru at the moment," he added.

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Spurned By U.S. And Facing Danger Back Home, Iranian Christians Fear The Worst

By Miriam Jordan

New York Times, March 1, 2018

LOS ANGELES — They sold their homes and possessions, quit their jobs, and left their country — they thought for good. The Iranians, mainly members of their nation's Christian minorities, were bound for a new life in America after what should have been a brief sojourn in Austria for visa processing.

But more than a year later, some 100 of them remain stranded in Vienna, their savings drained, their lives in limbo and the promise of America dead.

Even as the Trump administration continued to pledge help to religious minorities in the Middle East, many of whom face persecution, the United States denied their applications for refugee status in recent weeks.

"It's unexplainable," said H. Avakian, 35, an ethnic Armenian Christian who arrived in Austria from Iran 15 months ago and asked that his first name be withheld out of fear for his safety. "Suddenly they said, 'Now you can't come.' We don't know why."

Mr. Avakian, who hoped to join his brother, Andre, in Los Angeles, said in a phone interview that he and other refugees were running out of money and descending into depression. "Most of us cannot go back to Iran; we're in complete despair," he said.

Returning to Iran after an attempt to move to the United States would endanger their lives, he and other applicants said, because the government would regard them as enemies of the state.

"We are afraid they will give us a sentence," Mr. Avakian said. "They could put us in jail."

The Iranians applied to resettle in the United States under guidelines set by a 1989 law known as the Lautenberg Amendment, which offers safe haven to persecuted religious minorities. In the group are ethnic Armenian and Assyrian Christians, Mandeans, and Zoroastrians, most of whom have relatives in the United States who sponsored them.

"We have been inundated with calls from concerned family," said Martin Zogg, executive director of the International Rescue Committee's office in Los Angeles, home to the largest Armenian community in the country.

The denials have drawn rebukes from religious leaders, human rights groups and lawmakers from both parties, who charge the United States with failing to live up to its promises and who say the applicants risk arrest and torture if they return home.

Refugee arrivals have slowed to a trickle since President Trump, who took office vowing to overhaul immigration, cut the number of people that the United States agreed to admit. But Mr. Trump also promised to protect religious minorities, particularly Christians, and his administration has condemned Iran's treatment of them.

Enacted in 1989 to enable Jews and Christian minorities from the former Soviet Union to settle in the United States as refugees, the Lautenberg Amendment was expanded in 2003 to include Iranian religious minorities. Austria agreed to serve as a transit point. The applicants cannot work, attend school or receive government benefits while they wait for the United States to process their cases.

Among those denied visas in recent weeks are several elderly and disabled people. As the wait dragged on, many have had to rely on the Roman Catholic Church for lodging and medical treatment, and at least one couple is living in the guest room of the archbishop of Vienna, Cardinal Christoph Schönborn.

"Some of the Iranians have already spent all the money they came with," said Michael Prüller, the spokesman for the Archdiocese of Vienna. "Others see their means dwindle by the day."

Iran's Constitution proclaims Shiite Islam the official state religion. While it formally recognizes Christians, Jews and Zoroastrians as protected minorities, the government engages in "systematic, ongoing and egregious violations of religious freedom, including prolonged detention, torture and executions based primarily or entirely upon the religion of the accused," according to the 2017 report of the United States Commission on International Religious Freedom, which makes policy recommendations to the president and to Congress.

From 2010 to 2016, according to the report, Iranian authorities detained hundreds of Christians, raiding church services, threatening church members, and imprisoning worshipers and church leaders.

Suhaib Nashi, president of the Mandaean Society of America, said he feared for several Mandaean families in the Vienna group. Like the Baha'i, Mandeans, who follow the teachings of John the Baptist, lack even the nominal protections of the Iranian Constitution and are thus particularly vulnerable to persecution and pressure to convert to Islam.

Among the Mandeans marooned in Vienna are three relatives of Peiman Khamisi of Batavia, Ill., who arrived through the Lautenberg Amendment nine years ago. In Iran, his relatives pretended to be Muslim to avoid harassment, performed religious rites in secret and were denied access to higher education, he said.

In late January, Representatives Randy Hultgren, Republican of Illinois, and James McGovern, Democrat of Massachusetts, chairmen of the House human rights commission, urged Vice President Mike Pence to expedite approvals for the Iranians.

After the denials, they called on the Department of Homeland Security to provide an explanation. "These Iranians are members of religious minorities fleeing a regime that has brutally oppressed their communities since 1979," they said in a statement. "This being the case, they should be presumed eligible for admittance to the United States as refugees under the Lautenberg Amendment."

According to the amendment, the government must justify a denial "to the maximum extent feasible."

But no reason was given, at least not to those stranded in Austria, or to their relatives in the United States. One family was conditionally approved for refugee status in a March 2017 eligibility letter reviewed by The New York Times. Last month, they were given an ineligibility notice that said their application "has been denied as a matter of discretion."

A spokesman for United States Citizenship and Immigration Services, the Homeland Security agency that adjudicates the cases, declined to explain why the family was denied, saying only that "these individuals were subject to the same rigorous process for resettlement as all refugees."

Applicants are vetted before they apply for an Austrian transit visa. Once in Vienna, they continue the screening process, pass interviews with Homeland Security and undergo medical exams. Typically, it takes a few months to complete the process, and the approval rate is close to 100 percent.

A State Department spokeswoman said in an email that changes to the United States refugee admissions program in 2016 resulted in "a greater number of denials in the Vienna refugee program." She did not elaborate, but other government officials said that the changes entailed enhanced vetting.

The rejections, she said, were unrelated to Mr. Trump's executive orders barring people from several majority-Muslim countries, including Iran, from entering the country. She

added that the United States, Austria and others were working together to find alternatives for the group.

Since 2003, about 30,000 Iranians have settled in the United States thanks to the Lautenberg program. In the fiscal year that ended in September, 1,275 Iranians were admitted, compared with 2,323 the previous year.

Refugee resettlement officials said that evangelical Christians, who make up more than 90 percent of the Lautenberg pool and hail mainly from Ukraine, continue to arrive as usual.

Some of the Iranians have begun to file appeals with the help of the International Refugee Assistance Project, a nonprofit in New York.

Goharek Garmemasihi, an ethnic Armenian Christian in Los Angeles, said that she had sponsored her brother, sister-in-law, niece and nephew. Within months of arriving in Vienna last year, the parents and their teenage daughter were approved. American authorities informed them that their son, then 22, was still under review. "They decided to wait together," Ms. Garmemasihi said.

Fourteen months passed without any word.

In September, officials persuaded the parents and daughter to leave for the United States, assuring them that their son, a 23-year-old university student, would follow soon, according to Ms. Garmemasihi and her nephew, who spoke from Vienna on the condition that he remain unnamed out of fear for his safety.

About 10 days ago, he was notified of the denial. "It was the worst day of my life," he said through tears.

He said an appeal, which he just filed, was his last hope.

"I wish this nightmare ends, that I can open my eyes and see my family," he said. "I just want to be with them again. I don't care what it takes."

Plan To Halt Work Permits For H-1B Spouses Delayed Until June

By Trisha Thadani

San Francisco Chronicle, March 1, 2018

A proposed change in rules that would halt work permits for spouses of H-1B visa holders will be delayed until at least June, the Department of Homeland Security said in a court filing Tuesday night.

The department had planned to publish a proposal to eliminate the work permit program for H-1B spouses by February. But in the filing, the department said the U.S. Citizenship and Immigration Services "reevaluated the rule and determined that significant revisions to the draft proposal were necessary."

Those revisions include a "new economic analysis," which it said would require "several weeks to perform," the department said.

Thousands of H-1B spouses, who came to the country on an H-4 visa, have come to rely on this work authorization to make ends meet. In the Bay Area, where housing prices make it difficult to subsist on one salary, their plight is extreme. Before the Obama administration created this work authorization in 2015, these foreigners could not work or get a Social Security number.

Now, as they wait to hear what will happen to the work permits, many said they are holding off on long-term plans, such as having children, buying a house or even staying in the country.

The administration's plans to do away with the work permits were first reported by The Chronicle in November.

Tuesday night's filing came as the Department of Homeland Security defends itself in a lawsuit regarding the rule. The plaintiff, Save Jobs USA, a group of technology workers, argues that the government should not be able to grant work permits without congressional approval.

The Department of Homeland Security declined to comment.

Last week, the court said that a decision in the case will be postponed until the government completes the proposal to eliminate the work permit program. The government was ordered to update the court in 90 days.

The department said it anticipates moving the proposed rule to the next step in June.

That will involve sending the proposed rule to the Office of Management and Budget for a review to ensure that the proposal is consistent with administration policies. It's only after the rule clears that agency that the public will see a draft in the Federal Register.

Before the rule is finalized, there will be a public notice and comment period that lasts at least 30 days.

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DHS Delays Ending Obama-era Outsourcing Program For 100,000 Jobs

By Neil Munro

Breitbart, March 1, 2018

The Department of Homeland Security has delayed plans to end the H-4 outsourcing program which has given work permits to 100,000 spouses of imported white-collar guest workers since 2015.

But the delay is being used to hide a much bigger problem, said lawyer John Miano, who represents a group of white-collar professionals who have been sidelined by the agency's several white-collar outsourcing programs.

The hidden problem is the lawyers' little-noticed claim that a federal law — 1324a — entitles it to grant work-permits

to an unlimited number of foreigners, regardless of the harmful impact on Americans, he said.

When the agency lawyers are asked to justify the 1324a claim, "they keep on asking for delay and delay" said Miano, even though they tell other judges that "the president can do whatever he wants on immigration and that Congress does not control immigration at all."

The 1324a claim is politically risky for President Donald Trump because it complicates his efforts to shut down the huge DACA program, which has provided work permits to more than 680,000 illegals, Miano said. Moreover, Trump's Inauguration Day promise of a "Buy American, Hire American" policy is undermined by his own deputies' determination to preserve the 1324a outsourcing programs — even as the 2018 elections draw closer.

The lawyers' 1324a claim helps the anti-Trump, pro-amnesty lawyers who are trying to preserve the DACA program. On February 13, a New York judge blocked officials from ending DACA, in part, because of the 1324a claim. On February 26, a California judge said the administration cannot withdraw work-permits from DACA illegals without a formal process.

More importantly, the 1324a claim is on thin ice — and so are the outsourcing programs — because Texas's Fifth Circuit Court of Appeals rejected the 1324a claim in November 2015, saying:

The interpretation of those [1324a] provisions that the Secretary advances would allow him to grant lawful presence and work authorization to any illegal alien in the United States—an untenable position in light of the INA's intricate system of immigration classifications and employment eligibility.

The lawyers' interpretation of the (h)(3) clause in 1324a allows a minor "miscellaneous provision" to eat the entire purpose of the law, said Miano. That main purpose is outlined in the first section of 1324a:

(1) In general It is unlawful for a person or other entity

(A) to hire, or to recruit or refer for a fee, for employment in the United States an alien knowing the alien is an unauthorized alien (as defined in subsection (h)(3)) with respect to such employment ...

The lawyers use the (h)(3) section to justify their claim that officials can grant work-permits to anyone:

(H) Miscellaneous Provisions ...

(3) Definition of unauthorized alien

As used in this section, the term "unauthorized alien" means, with respect to the employment of an alien at a particular time, that the alien is not at that time either (A) an alien lawfully admitted for permanent residence, or (B) authorized to be so employed by this chapter or by the Attorney General.

But the shaky 1324a claim is so important for outsourcing that the lawyers keep bringing it up in courtrooms. For example, on February 14, the DoJ filed a Supreme Court brief in an Arizona lawsuit arguing:

Congress has provided that an alien is authorized to work if he is a lawful permanent resident or is "authorized to be so employed by th[e INA] or by the Attorney General" (now the Secretary). 8 U.S.C. 1324a(h)(3).

The agencies lawyers' now-you-see-it, now-you-don't 1324a claim is also being used to stall a lawsuit by Miano on the huge "Optional Practical Training" program which outsources more than 300,000 graduate jobs per year.

Also, the 1324a has backfired on the administration's declared efforts to shut down the "International Entrepreneur Rule." That program was created three days before Trump's inauguration, and it provides visas for entrepreneurs backed by U.S. venture-capital investors.

All told, the holdover lawyers in the DHS are using the 1324a claim to justify handing out more than 1 million work-permits to illegals, spouses of visa-workers, former students, and foreign entrepreneurs — despite the huge impact on the 4 million young Americans who will graduate from school or college in 2018.

Those 1 million 1324a workers are employed alongside the 750,000-plus foreign graduates working in the United States under the H-1B, TN, L-1a, L-1b and J-1 visa programs, and the million-plus additional foreign workers who are holding "Employment Authorization Documents."

All of the 1324a outsourcing programs were created or expanded by officials working for former President Barack Obama.

The Trump administration's equivocation and the judges' refusal to rule on the 1324a claim is "nuts," said Miano. "What is happening here is that the litigation is exploding" as various groups struggle to get judges to actually make a decision for or against the claim, he said.

The campaign to keep 1324a out of the courtrooms is being helped by sympathetic judges and reporters, said Miano. "The judges want this DACA thing to continue ... and the media views this totally in terms of DACA," he said. The white-collar reporters do not want to follow the money into the issue of white-collar outsourcing, he said. "They don't want to go there ... the media doesn't discuss that."

In Miano's lawsuit against the H-4 program, the agency's U.S. Citizenship and Immigration Services division asked a judge on February 28 for a 90-day delay.

In 2015, Obama's deputies said the H-1B spouses deserve the extra work permits because otherwise, they would remain idle for years while their H-1B spouses wait in line to get green cards. But the law which created the H-1B program does not include any language allowing officials to give work-permits to H-1B spouses — so prompting officials

to claim section 1324a allows them to award the H-4 work permits.

The lawsuit is being brought by Save Jobs USA, a group of American professionals in California who lost their jobs when Southern California Edison outsourced the work to imported white-collar visa workers, including H-1B workers.

The judge quickly granted the request for a delay in the H-4 lawsuit, preventing any ruling against the H-4 program for several extra months.

Business groups and immigration lawyers applauded the extension.

Todd Schulte, director of the FWD.us lobby group, welcomed the delay, saying "We are encouraged by the news that, for now, over 100,000 people can continue working, providing for their families, and contributing to their communities."

Schulte's organization was created by investors and employers who hire white-collar professionals. The H-4 program is just one of several ways in which FWD.us is raising the supply of applicants for jobs. On February 27, for example, the organization held a cheap-labor rally in Colorado, according to the FWD.us blog, which quoted one business supporter saying "In a tight labor market like we have in Colorado, we need all the talent that we can get ... [so] we regularly employ DACA recipients."

Schulte also suggested that the administration cannot end the H-4 program without explaining how it damages individual Americans — although no analysis is needed if the 1324a claim is invalid. He wrote:

The H-4 rule is common sense: it lets the spouses of highly-skilled immigrants work once they have begun their wait for legal permanent residence. There is no evidence to show that the H-4 rule harms American workers in any way, and this latest delay shows that this Administration cannot make a case that does not exist ... DHS considered economic impact when they issued the rule [in 2015] in the first place, and argued there would be minimal impact to the labor market ... Allowing spouses of highly-skilled workers who already have approved green card petitions to begin working is good for our workforce and for the well-being of future American residents and citizens.

Lawyers who import salary-cutting workers for companies also applauded the delay:

Happy March @immivoice, your efforts were successful in delaying H-4 rescission regulation yet another month. Lets hope we can make the same announcement again in April #takeyourtimeDHS

— Leon Fresco (@FrescoLeon) March 1, 2018

Looks like an immediate reprieve for the H4 EAD program. It's not completely safe but we should have more than enough time for new applications and renewals.

— elissa taub (@ejtaub) March 1, 2018

The delay was also applauded by the foreign spouses who want to keep their work permits:

H4 ead helps to fill the gaps in the job market , which in turn helps in the growth of economy. #SaveH4EAD @DHSgov @SecNielsen @NPR @VICE @ABC

— Teenu Sharma (@TeenuSharma0111) March 2, 2018

But Americans graduates and voters objected to the delay, which comes eight months before Trump and the GOP will need a surge of voters in the November election.

@POTUS @REALDONALDTRUMP I'M YOUR BIGGEST FAN – I DON'T ASK FOR MUCH — PLEASE STOP H4 EAD & H1B & HR392 – HR392 IS BEING ATTACHED TO REP GOODLATTE'S BILL .. GREEN CARDS FOR H1Bs WHO STOLD ALL AMERICAN TECH JOBS IS ABSOLUTELY OUTRAGEOUS !!!!! THANK YOU!! DAWN @USCIS @CHUCKGRASSELY

— Dawn Casey (@Dawnnewyorker) March 2, 2018

#h1b #L1 #AbolishH1B #H4EAD

Wages are flat since 2000 – 2017. Please read.

<https://t.co/tbcc7KlsZi>

— ghai5678@gmail.com (@ghai5678) March 1, 2018

Four million Americans turn 18 each year and begin looking for good jobs in the free market.

But the federal government inflates the supply of new labor by annually accepting roughly 1.1 million new legal immigrants, by providing work-permits to roughly 3 million resident foreigners, and by doing little to block the employment of roughly 8 million illegal immigrants.

The Washington-imposed economic policy of economic growth via mass-immigration shifts wealth from young people towards older people, it floods the market with foreign labor, spikes profits and Wall Street values by cutting salaries for manual and skilled labor offered by blue-collar and white-collar employees. It also drives up real estate prices, widens wealth-gaps, reduces high-tech investment, increases state and local tax burdens, hurts kids' schools and college education, pushes Americans away from high-tech careers, and sidelines at least 5 million marginalized Americans and their families, including many who are now struggling with opioid addictions.

H-1B Visa Program And Trump: How High-Skilled Immigrants Are Being Threatened By President's Administration

By Jessica Kwong

Newsweek, March 1, 2018

The Trump administration's once-rumored restrictions to the H-1B visa program have begun to take effect.

They're causing a shakeup particularly in the United States tech industry because the temporary, non-immigrant work document enables companies to hire highly skilled

foreign workers in fields that require technical and theoretical expertise.

Tech giants and large corporations have advocated for an expansion of the H-1B visa program and its annual cap, arguing that the pool of highly skilled workers in the U.S. isn't big enough. Critics, meanwhile, have accused companies of abusing the program and outsourcing work, leaving many Americans unemployed.

U.S. Citizenship and Immigration Services (USCIS) last Thursday issued a policy memo, effective immediately, that "clarifies policy on requirements for third-party worksite H-1B petitions" and "strengthens protections to combat H-1B abuses."

The memo states that applicants must supply "detailed statements of work or work orders" about any duties performed by a worker holding an H-1B visa at a third-party site. In addition, employers are required to provide more information about why they need to hire someone from abroad to complete a job.

According to the memo, the visa beneficiary should have "specific and non-speculative qualifying assignments in a specialty occupation for the beneficiary for the entire time requested in the petition." H-1B visa holders could earn less money than their employers promise or perform "non-specialty" jobs when hired out to any third-party workplace, the memo states.

The policy update aligns with President Donald Trump's "Buy American, Hire American" initiative he promised on the campaign trail to protect the interests of American workers.

Such restrictions have led many H-1B visa holders to move or contemplate moving north to Canada, which is allowing companies to hire skilled workers with less bureaucracy.

The new memo came just a couple months after reports that Trump was considering a proposal that would block H-1B visa extensions, and possibly lead to deportations. Media in India estimated that 500,000 to 750,000 Indian visa holders could be forced out of the U.S. Thousands of immigrants, mostly Indian, apply for visa extensions beyond the allowed two three-year terms if they have green card applications in the system.

USCIS officials at the time did not deny the proposal's existence.

"The agency is considering a number of policy and regulatory changes to carry out the President's Buy American, Hire American Executive Order, including a thorough review of employment-based visa programs," USCIS spokesman Jonathan Withington stated.

But following backlash from business leaders in the U.S. and India as well as lawmakers, officials seemed to distance themselves from the proposal. "USCIS is not considering a regulatory change that would force H-1B visa holders to leave the United States by changing our

interpretation of section 104(c) of AC-21, which provides for H-1B extensions beyond the 6-year limit," the agency said in a statement.

Prior to that, the fall edition of the semi-annual Unified Agenda of Federal Regulatory and Deregulatory Actions, which lists regulations agencies have under development, included a notice indicating the Department of Homeland Security was considering a halt to granting work authorization to some holders of H-4 visas, which are given to the spouses of H-1B recipients.

USCIS spokeswoman Joanne Talbot in an email to Newsweek this week said the agency did "not have any updates to share" on the H-1B program and considerations by the Trump administration to limit it.

New Statistics Show The Government Is Sitting On Tens Of Thousands Of DACA Applications

By Dara Lind

Vox, March 1, 2018

In September, when the Trump administration announced that it was winding down the Deferred Action for Childhood Arrivals (DACA) program that protected young unauthorized immigrants who came to the US as children from deportation, tens of thousands of immigrants were waiting to hear back about DACA applications they'd already submitted.

Many of them are still waiting.

According to new statistics from US Citizenship and Immigration Services, at least 20,000 immigrants who applied for the program before the September announcement are still awaiting approval for their applications.

That means that 20,000 or so immigrants have had to live in fear of deportation, and haven't been able to get a job in the US legally, since September 5, 2017 — when the administration announced no new DACA applications would be accepted — even though they applied for DACA before the cutoff.

The precise number isn't entirely clear. One USCIS report says there were "approximately" 21,950 initial DACA requests pending as of the end of January; another says there were 25,513. (USCIS was asked for comment Wednesday but was unable to provide it before publication.)

But what's clear is that the overwhelming majority of those immigrants submitted their applications back when DACA was still in full effect — and have been waiting anxiously to hear back from the government as the program's future has been called into doubt. The Trump administration has focused on renewing work permits for immigrants currently protected under DACA

The new statistics show the Trump administration has actually been working hard on DACA — but only for immigrants who already had it.

The administration has sent out tens of thousands of new two-year work permits to DACA recipients who applied for renewals, either before the September 5 announcement or before October 5, when the administration stopped accepting renewals for immigrants whose work permits expired before March 5. DACA recipients whose work permits are set to expire after March 5 weren't allowed to apply for renewals in the fall but are now able to do so thanks to a January federal court ruling.

At the end of September, there were 82,612 applications for renewal pending at USCIS offices; as of January 31, there were 29,606.

Furthermore, many of the renewal applications pending on January 31 had been sent in the few weeks leading up to that date — likely spurred by the January ruling by a federal judge in California that blocked the Trump administration's efforts to wind down the program by ordering USCIS to start accepting applications for DACA renewal again. The administration is currently appealing that order, and the Supreme Court recently announced that it won't hear the case until the appeals court has weighed in.

What these new figures show is that the Trump administration hasn't been nearly as aggressive in working through the backlog of first-time DACA applications as it has been for people who already have DACA. The first-time DACA backlog has shrunk from 35,000 to 25,000 since the end of September — but that gets less impressive when you consider that only 142 new requests were sent in during that time (and it's not clear whether first-time DACA applications submitted after the September 5 deadline will even be considered for approval).

Some of the delay in approving first-time applications makes sense — when DACA was in full effect, the government said that processing should take between 90 and 120 days. The Trump administration hasn't said anything to indicate that isn't the expectation anymore.

But it's been 177 days since September 5, 2017. That's 177 days that immigrants haven't been able to get a job in the US legally because the work permits they applied for before September haven't come through. It's 177 days that they've had to worry about being stopped by police and turned over to Immigration and Customs Enforcement.

The Trump administration is complying with the court order to allow the nearly 700,000 immigrants currently covered by DACA to extend their protections for two more years. But more than 20,000 immigrants are still waiting for DACA to start.

Questions Linger About How Melania Trump, A Slovenian Model, Scored 'The Einstein Visa'

By Mary Jordan

Washington Post, February 28, 2018

In 2000, Melania Knauss, a Slovenian model dating Donald Trump, began petitioning the government for the right to permanently reside in the United States under a program reserved for people with "extraordinary ability."

Knauss's credentials included runway shows in Europe, a Camel cigarette billboard ad in Times Square and — in her biggest job at the time — a spot in the swimsuit edition of *Sports Illustrated*, which featured her on the beach in a string bikini, hugging a six-foot inflatable whale.

In March 2001, she was granted a green card in the elite EB-1 program, which was designed for renowned academic researchers, multinational business executives or those in other fields, such as Olympic athletes and Oscar-winning actors, who demonstrated "sustained national and international acclaim."

"We called it the Einstein visa," said Bruce Morrison, a former Democratic congressman and chairman of the House subcommittee that wrote the Immigration Act of 1990 defining EB-1.

The year that Knauss — now first lady Melania Trump — got her legal residency, only five people from Slovenia received green cards under the EB-1 program, according to the State Department.

In all, of the more than 1 million green cards issued in 2001, just 3,376 — or a fraction of 1 percent — were issued to immigrants with "extraordinary ability," according to government statistics.

Melania Trump's ability to secure her green card not only set her on the path to U.S. citizenship, but put her in the position to sponsor the legal residency of her parents, Viktor and Amalija Knaws. The *Washington Post* reported earlier this month that the couple are now close to obtaining their own citizenship.

President Trump has proposed ending the sponsorship of relatives such as parents, slamming as "chain migration" the decades-long ability of U.S. citizens to assist relatives in obtaining legal residency.

"CHAIN MIGRATION must end now! Some people come in, and they bring their whole family with them, who can be truly evil. NOT ACCEPTABLE!" Trump tweeted in November.

Michael Wildes, an attorney for Melania Trump and her family, declined to comment on whether she sponsored her parents for green cards. He said he was not surprised that so few immigrants from Slovenia obtained EB-1 immigrant visas in 2001 because the requirements are stringent.

"Mrs. Trump was more than amply qualified and solidly eligible," he said. But he declined to discuss the qualifications that the first lady cited in her petition for permanent residency.

"There is no reason to adjudicate her petition publicly when her privacy is so important to her," Wildes said.

A White House spokeswoman for the first lady referred questions about her immigration process to Wildes.

Immigration experts said the president's efforts to restrict legal immigration spotlight lingering questions about how the first lady and her family members obtained residency in the United States.

The biggest one: How did she convince immigration authorities that she qualified for the EB-1 program?

Morrison, the former congressman and immigration expert, said that Melania Trump's resume in 2001 seems "inconsistent" with the requirements of the visa.

To obtain an EB-1 under the extraordinary ability category, an immigrant has to provide evidence of a major award or meet at least three out of 10 criteria. Among them: evidence of commercial successes in the performing arts, evidence of work displayed at artistic exhibitions and evidence of original contributions to a field.

"What did she submit?" asked David Leopold, an immigration lawyer and a past president of the American Immigration Lawyers Association. "There are a lot of questions about how she procured entry into the United States."

The process of deciding who meets the "extraordinary ability" standard is subjective, said Sarah Pierce, an immigration expert at the Migration Policy Institute, a Washington-based think tank. But it is generally thought that only the top 2 percent of people in their field would qualify, she said, adding that the "quintessential award you want to put on the application is Nobel Prize."

The first lady came to the United States from Slovenia in 1996, first briefly on a visitor's visa and then on work visas, according to Wildes.

Initially, she was not widely known in the highly competitive New York fashion world, according to people in the industry.

"She was never a supermodel; she was a working model — like so many others in New York," said one person who knew her in the 1990s and requested anonymity to discuss the first lady's early years in the United States.

In 1998, at age 28, she began dating Trump after meeting him at a party, an association that raised her modeling profile. She started appearing on Page Six of the *New York Post* and in other celebrity columns on the arm of the real estate developer.

At the time, she was modeling on a work visa for skilled immigrants. Melania Trump received five H1-B visas between October 1996 and 2001, Wildes has said.

Under her husband's administration, such temporary visas have been harder to get, dropping by more than 50,000 in 2017 compared with the previous year, according to U.S. Citizenship and Immigration Services.

In January 2000, in perhaps her most widely known photo shoot, Melania Trump appeared on the cover of British GQ magazine. She was photographed nude on a fur rug on Donald Trump's private jet under the headline: "Sex at 30,000 feet. Melania Knauss earns her air miles." (The magazine cover is noted, among others, in her official biography on the White House website.)

The accompanying article predicted that the political aspirations of Trump — then making a bid for the Reform Party nomination — could transform his Slovenian girlfriend into the first lady of the United States one day.

"I will put all my effort into it," she told the magazine, "and I will support my man."

Did Melania Trump Really Qualify For Her "Einstein Visa"?

CBS News, March 1, 2018

"We do a lot of squash players," she said. "They don't make a lot of money at the profession, but they win top prizes, and there's lots of published material about them...Mostly, they have day jobs as financial analysts."

How hard was it for the first lady to obtain a visa reserved for immigrants of "extraordinary ability"?

On Thursday, The Washington Post explored the subject in some detail, and questioned whether Melania Trump, then Melania Knauss, was really qualified for a visa through the EB-1 program. The visas, according to the Post, were "designed for renowned academic researchers, multinational business executives or those in other fields, such as Olympic athletes and Oscar-winning actors, who demonstrated 'sustained national and international acclaim.'"

"We called it the Einstein visa," former Rep. Bruce Morrison, who helped write the bill that created the EB-1 program in 1990, told the Post.

However, according to a lawyer who specializes in obtaining EB-1 and EB-2 visas for her clients, the visas don't just go to the Albert Einsteins of the world. In fact, they're "not that difficult" to obtain, immigration lawyer Merrill R. Cohen told CBS News.

Cohen has helped squash players, a colored-pencil artist, a "classical music whistler," and an "instructor of magicians" get EB-1 visas. Melania Trump never held any of those jobs, but she was a relatively well-known model, in part due to her relationship with President Trump, when she began petitioning the government for an EB-1 in 2000.

In January 2000, for example, she appeared nude and draped in a fur rug on the cover of British GQ. "Sex at 30,000 feet — Melania Knauss earns her air miles," said the headline.

She was also a runway model who appeared on a billboard in Times Square and in the Sports Illustrated swimsuit issue.

Applicants for an EB-1 visa need to meet three of ten listed criteria or have won a major award in their field. The criteria to prove extraordinary ability include "commercial successes in the performing arts," the ability to "command a high salary or significantly high remuneration compared to others in the field," and having your work "displayed at artistic exhibitions or showcases."

However, Cohen said that you don't need to make money performing your "extraordinary ability," so long as you have other means of supporting yourself.

"We do a lot of squash players," she said. "They don't make a lot of money at the profession, but they win top prizes, and there's lots of published material about them...Mostly, they have day jobs as financial analysts."

Also, while the examples listed by the government of a major one-time prize are the "Pulitzer, Oscar, [or] Olympic medal," Cohen said the awards can be far more obscure than any of those. "You know promos before movies? We had a guy who did a lot of promos, and he won the Gold Promax International Award...we showed that that was the top prize in the field, and he got his green card based on winning that prize."

As for the classical music whistler, Cohen said that immigration authorities realized that it was a unique talent, but "they wanted to know that it was actually a field. So we showed that there were literally 10 people in the National Classical Music Whistler's Association, and he had been president, so they saw that it was a field, and we got it through."

Cohen also proved a colored-pencil artist was at the top of her field even though she had never sold a picture. "To be at the top of the field, you can decide you never want to sell a piece of art," Cohen said. "This client never wanted to sell her work, but she would display it in galleries and she got written up in the paper because she had a unique technique."

Cohen said it's impossible to judge whether Melania Trump deserved an EB-1 without taking a look at her application, which is not public and Cohen has not seen. "There might have been a lot of evidence that we're not aware of," she said.

Still, based on the available evidence, Cohen says someone like Melania Trump would "likely qualify" for an EB-1.

"While [the EB-1 category] is arguably the highest standard to which an alien is held when applying for a green card, it isn't meant to be limited to a single individual or two. Rather...it is reserved for that 'small percentage' of people at the top of the field. A model on the cover of GQ, and in Sports Illustrated, etc. will likely qualify, as he/she will likely have a lot more evidence than just those items."

How Did Melania Trump Secure 'Genius Visa' For 'Extraordinary Ability' While Dating The Future President?

By Jessica Kwong

Newsweek, March 1, 2018

Updated | Seventeen years ago, Melania Knauss was granted legal residency in the United States through a green card with the elite EB-1 program—dubbed the “Einstein visa”—reserved for those who demonstrate that they have “an extraordinary ability, are an outstanding professor or researcher, or are a multinational executive or manager.”

At the time she was a Slovenian model who had appeared in European runway shows, the Sports Illustrated swimsuit edition and a Camel cigarette Times Square billboard. She was also dating Donald Trump.

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The year the future first lady obtained legal residency, 2001, only five people from her home country got green cards through the EB-1 program, according to State Department statistics reported by The Washington Post on Thursday. That year, a fraction of one percent, just 3,376 of more than one million green cards issued, were granted to immigrants with “extraordinary ability,” government data indicates.

It is unclear how Knauss—who married Trump in 2005—qualified for the so-called “genius visa,” or “Einstein visa,” as Bruce Morrison, a former Democratic congressman who wrote the Immigration Act of 1990 defining EB-1, calls it. Applicants “must be able to demonstrate extraordinary ability in the sciences, arts, education, business, or athletics through sustained national or international acclaim,” according to U.S. Citizenship and Immigration Services. “Your achievements must be recognized in your field through extensive documentation.”

U.S. Vice President Mike Pence, first lady Melania Trump and President Donald Trump attend the ceremonies as the late evangelist Billy Graham lies in repose at the U.S. Capitol, on February 28, 2018 in Washington, DC. Shawn Thew-Pool/Getty Images

To do so, applicants need to meet three of 10 criteria, which include being showcased in artistic exhibitions, having material published in major publications and making original contributions to their field. Other acceptable criteria include commercial success and commanding an exceptionally high salary.

“What did she submit? There are a lot of questions about how she procured entry into the United States,” immigration lawyer David Leopold told the Post.

Morrison added that her accomplishments when she applied for the visa appeared “inconsistent” with its requirements.

Michael Wildes, an attorney for Melania Trump, could not be reached for comment by Newsweek on Thursday.

In comments to the Post, Wildes declined to detail the qualifications she noted in her permanent residency petition, but told the newspaper that she was “more than amply qualified and solidly eligible” and that “there is no reason to adjudicate her petition publicly when her privacy is so important to her.”

The future first lady first came to the U.S. in 1996 on a visitor's visa and between October of that year and 2001, received five H-1B visas, Wildes said. Her husband, President Trump, has recently considered and implemented restrictions to the H-1B visa program for highly skilled foreign workers.

The first lady's ability to get a green card also enabled her to sponsor her parents Viktor and Amalija Knave for legal residency and put them on the path to U.S. citizenship. The president has also vowed to end such sponsorship of immediate family, called “chain migration.” In a November tweet, Trump wrote: “Some people come in, and they bring their whole family with them, who can be truly evil.”

As a candidate for president, Trump said at an August 2016 rally in North Carolina that his wife came into the U.S. legally and promised she would hold a press conference in the following weeks to address accusations that she entered illegally.

“I said to her: ‘No no, let it simmer for a little while. Let them go wild, let it simmer, and then let's have a little news conference,’” Trump said.

But such a press conference never materialized.

Melania Trump is not the only foreign-born model to have dated a famous, wealthy man and obtain the “genius visa.” Canada native Shera Bechard, the ex-girlfriend of Playboy Enterprises founder Hugh Hefner, was granted one as well. Bechard's credentials included being named Miss November in Playboy magazine and starting an online photo-sharing craze named “Frisky Friday.”

This story has been updated with further background on claims about Melania Trump's immigration history.

Questioning Melania Trump's Immigration History Helps Nobody

By Andy J. Semotiuk

Forbes, March 1, 2018

The Washington Post has questioned whether First Lady Melania Trump was deserving of the green card she received through the EB-1 program, which is supposed to be reserved for aliens with “extraordinary” abilities. The article states that, “Melania Trump's ability to secure her green card not only set her on the path to U.S. citizenship, but put her in the position to sponsor the legal residency of her parents, Viktor and Amalija Knave. The Washington Post reported earlier this month that the couple is now close to obtaining their own citizenship.”

Before marrying Donald Trump, Melania was a fashion model, and her profession afforded her an H-1B work visa. While the matter of the EB-1 green card may be something worthy of debate, the H-1B visa was pretty straightforward. Judging from the work as a fashion model that the First Lady did, it would not be unreasonable to approve the First Lady's eligibility in that category. That's because of the following explanation, provided by Inc magazine.

When Congress created a separate type of visa for celebrity occupations, including people like "performers, athletes, Nobel Prize laureates and religious workers," Bloomberg said, "lawmakers realized they hadn't put fashion models in a separate category."

So, they lumped them in at the last minute with tech workers and other specialty occupations, under the H-1B visas. Subsequent efforts to move models to the category for performers and athletes have failed.

The Inc. article adds, "A new analysis by Bloomberg's Frank Bass and Kartikay Mehrotra shows that foreign fashion models are more than twice as likely to be granted H1-B visas than foreign computer programmers."

So far, perhaps understandable. My experience is that women of her former stature qualify for H-1B visas. As for getting the green card, apart from winning some international award such as an Oscar, Nobel Prize or the like, the U.S. Citizenship and Immigration web sites spells out the other criteria to qualify for a green card in the EB-1 category. They are:

Criteria for Demonstrating Extraordinary Ability

You must meet 3 out of the 10 listed criteria below to prove extraordinary ability in your field:

Evidence of receipt of lesser nationally or internationally recognized prizes or awards for excellence

Evidence of your membership in associations in the field which demand outstanding achievement of their members

Evidence of published material about you in professional or major trade publications or other major media

Evidence that you have been asked to judge the work of others, either individually or on a panel

Evidence of your original scientific, scholarly, artistic, athletic, or business-related contributions of major significance to the field

Evidence of your authorship of scholarly articles in professional or major trade publications or other major media

Evidence that your work has been displayed at artistic exhibitions or showcases

Evidence of your performance of a leading or critical role in distinguished organizations

Evidence that you command a high salary or other significantly high remuneration in relation to others in the field

Evidence of your commercial successes in the performing arts

As to whether the First Lady met these stringent criteria, one would need to see the materials that were submitted in support of her application to the U.S. immigration office. At least two of the items on the list were probably in her submission: published materials about her and commanding a high salary. While one can perhaps doubt about whether the First Lady had what it takes to meet any of the other criteria, it may be quite likely that she was able to provide evidence of other qualifications. However, there is something about this line of attack that troubles me.

I find some of the questions being raised about the First Lady distasteful and mean spirited. As far as I am concerned, Donald Trump is open territory and deserving of many of the criticisms leveled at him. Criticism comes with the job and when he makes a blunder he deserves a rebuke. This attack on the First Lady is different.

In my view the questions that were raised about Slovenia and the modest numbers of successful immigrant applicants from that country had no place in measuring the First Lady's qualifications. Give the poor country a break and if you are going to pick a quarrel about immigrants levels, pick it with countries with larger, more economically advanced populations that have sent abundant numbers to America. What is more, what do the immigrant numbers from Slovenia really have to do with whether Melania Trump is qualified?

What is more disturbing to me is the ad hominem nature of the attacks on the First Lady. Not everybody is as articulate as Michelle Obama or Barbara Bush, nor perhaps as well educated. Let's remember that English is the First Lady's second language. I would invite those who are criticizing her to try doing it in another language to get a sense of the handicap involved in the First Lady's defense of herself in English. To more directly address the immigration question, while Melania Trump is no Einstein and thus may not be eligible for an "Einstein visa," let's remember, as is apparent from the criteria set out above, that is not the criteria for approval. When compared to others who have received the same green card, including models I have represented, apparently she measured up well enough to be approved. Perhaps that's because her qualifications were not measured by perfection, but by the balance of probabilities – the proper measure in this instance.

That said, let us return to the immigration debate in America, but let us stay away from unfriendly aspersions about immigrants who have legally succeeded in their efforts to join us in this country, nor on their efforts to sponsor their family members so long as the laws allow for that to happen.

Federal Judges Trade Caustic Words In Fight Over Teen Immigrant Abortion

Josh Gerstein on the Courts, Transparency, & More
By Josh Gerstein

Politico, March 1, 2018

Federal appeals court judges exchanged unusually bitter retorts on Thursday as they acted on a dispute over an undocumented teen immigrant's request for an abortion.

The legal fight about the wishes of the 14-year-old girl pitted one of the New Orleans-based 5th Circuit's most conservative judges, Edith Jones, against two of her colleagues, Patrick Higginbotham and Gregg Costa.

The extraordinary, caustic exchange stemmed in large part from Jones' use of her opinion in the case to attack two Texas attorneys, Myles and Rochelle Garza, who have served as court-appointed guardians for a series of pregnant teens who have sought abortions recently while in U.S. government custody.

"The Garzas have demonstrated by word and deed that their goal is to foster abortions. ... They should be displaced," wrote Jones, who was appointed by President Ronald Reagan. She noted that the Garzas are pursuing a class-action suit aimed at overturning a Trump administration policy shift that seeks to block abortions for immigrant minors housed by the Department of Health and Human Services.

Jones also said her colleagues' "disingenuous" opinion ordering a hearing on the wishes of the girl, referred to as Jane Doe, was based on "critical assumptions that ... but must be exposed in order to prevent the continued sidestepping of [HHS's] custodial role by advocacy groups seeking to extend abortion rights."

"Doe is a pawn in a fight for control over the federal government's relationship with unaccompanied alien children," the judge argued.

Higginbotham and Costa lashed back at Jones for constructing what they called "a narrative ... in which knavish, 'agenda-driven' lawyers circumvent an irreproachable agency to prey upon an unaccompanied pregnant minor."

"The crucial fact — whether Jane Doe wishes to pursue an abortion — cannot be answered by needless judicial spin," wrote Higginbotham, a Reagan appointee, and Costa, who was appointed by President Barack Obama. "We will not join in [Jones'] castigation of the Garzas as 'solicit[ing] unaccompanied, non-English-speaking children behind the back of [a] legal custodian, as it is unwarranted and does not answer the stark question before us."

At one point in Jones' opinion she faults HHS for failing to take a clear position in the current case, and in previous litigation, on whether immigrant teens have a constitutional right to abortion. She says the agency's strategy may help it "temporarily win this battle but lose the war for its statutory responsibility."

That metaphor did not sit well with Higginbotham and Costa.

"To be certain, the use of an order granting an emergency motion to stay and consolidating the merits of a removal question as some envoy to recommend 'military'

strategy in [HHS'] supposed 'battle' in the 'war' on abortion is beyond the pale," the two judges wrote.

Jones didn't pass up the opportunity to respond.

"This writer disclaims any pretense to being Joan of Arc," she shot back in a footnote. "The phrase win the battle, lose the war means something like a Pyrrhic victory and most well-educated readers know the expression is used well beyond the military connotation."

Despite the nearly nuclear exchange, the appeals judges actually agreed on the immediate outcome of the case. They ordered it sent back to U.S. District Court Judge Rolando Olvera in Brownsville, Texas, with instructions that he meet with Doe and ascertain her wishes in light of conflicting claims of the Garzas and HHS.

Josh Gerstein is a senior reporter for POLITICO.

Trump Immigration Policies Stress Out Parents And Kids Alike

NBC News, March 1, 2018

The Trump administration's immigration policies are stressing out Latino parents, who are passing that anxiety along to their kids, a new report finds.

The results are anxiety, PTSD and other mental health problems that can damage the kids long-term, a team at George Washington University found.

And U.S. society as a whole will pay for their problems as kids fail to thrive in school, put pressure on public healthcare systems and, often, turn to crime, the report predicts.

Even legal residents and citizens report being harassed and living in fear of government authorities, and their kids are suffering, too, the report finds.

"It does appear that the immigration policies are harming parents living in this country legally," said Kathleen Roche, an associate professor of prevention and community health at George Washington University, who led the study team.

"We do know from prior research that when parents suffer from high levels of psychological distress, their adolescent children have greatly elevated risk of not doing well in school, engaging in substance use, and experiencing their own mental health problems," Roche added.

For the study, published in the *Journal of Adolescent Health*, the team did in-depth interviews with more than 200 Latino parents, including citizens, permanent legal residents and people living under temporary protected status. About 75 percent of their children were born in the U.S. and therefore citizens — the rest were eligible for DACA, the Deferred Action for Childhood Arrivals program.

They are afraid that they or their relatives will be deported, and many reported frequent, even daily harassment from police and other authorities.

"The risks these teenagers are experiencing by virtue of their parents' poor mental health is not only going to derail their own futures and wellbeing, but those will come at a very high cost to our society in terms of criminal justice and healthcare system impacts," Roche said.

"Our whole society will bear the brunt."

Immigration policy changes that have gone into effect since President Donald Trump's election include expanded eligibility for deportation, the proposed elimination of Temporary Protected Status and the debate over the future of DACA.

Silver Spring, Maryland teacher Damaris Encarnacion saw immediate effects in the kids at the middle school where she was working at the end of 2016, when Trump was elected after a campaign full of anti-immigrant rhetoric.

"From day one when President Trump was elected, kids were crying," Encarnacion, a Latina who is a U.S. citizen, told NBC News.

"Kids were coming up and saying, 'This might be goodbye'. You want to tell them, 'Hey, it is not going to happen' but the reality is this is something they may have to go through," she said.

"Teachers, too were affected. The environment was tough to work in. These children are scared."

Encarnacion says the effects can be devastating, even for children whose families are not at risk of deportation.

"You are going to see a lot more aggressive behavior," she said.

"Kids act in ways that they don't usually act that can get them into trouble. Adults have coping methods. Kids, the way they cope with it is in a way that is immature, can be aggressive. They are going to have a lot of emotional issues to deal with. It's going to have a long-term effect on our society."

She has noticed children dropping out of after school activities, such as sports and clubs, because their parents don't want them away from home after school hours. "Some kids who usually were verbal, they started shutting down. Some of them started to become more isolated," she added.

"Their performance academically has been impacted. You could tell there was a lot of fear."

Her observations and the findings in the report are reinforced by a report released Wednesday by the Civil Rights Project at the University of California, Los Angeles, which found students are missing classes, letting grades slip and showing emotional and behavioral problems.

Roche said families are avoiding police even when they need help and neglecting healthcare and food assistance because they are afraid to interact with any form of government.

Encarnacion herself has passed along some of the anxiety to her son, who is 12.

"I tell him, down the road don't be surprised if people start asking you if you were born here," she said.

"A lot of times those of us who are legal are going to be treated as though we are not because to them, we are a face. It affects all of us."

Roche said even if people are not sympathetic to the fear of immigrants or their families, they should be worried about the costs to themselves.

"The American taxpayer will end up paying in the form of higher healthcare costs and our prison system and our police system," she said.

"Our whole society will bear the brunt."

Encarnacion said it has broken her heart to be unable to reassure her students and her own son.

"Kids always want that certainty from their parents that everything's going to be just fine. But the truth of the matter is I can't promise him something that I have no control over."

5 Ways Trump's Immigration Crackdown Could Be Affecting Your Kid's Classroom

By Kelly Heyboer

NJ News, March 1, 2018

The Trump administration's efforts to arrest and deport unauthorized immigrants is causing behavior issues, increased absenteeism and other problems in the nation's schools, according to a first-of-its-kind study released Wednesday.

Researchers with UCLA's Civil Rights Project surveyed educators in 730 schools in 12 states – including New Jersey – on how increased immigration enforcement has impacted teaching and learning in the nation's classrooms.

The study found many schools, especially those with high numbers of immigrant families, were significantly impacted by the immigration crackdown. Even non-immigrant students were affected, researchers said.

"Educators from all parts of the country tell us their immigrant students are distracted and living in fear of losing their parents to deportation and this is affecting all the students in their classrooms. As a result, teachers in these mostly low-income schools are being stressed sometimes to the breaking point," said Patricia Gándara, co-director of the UCLA Civil Rights Project and the study's lead researcher.

Among the study's findings:

[pexels-photo-207756.jpeg](#)

1) More immigrant kids are misbehaving or having emotional problems.

Nearly 90 percent of school administrators surveyed said they observed behavior or emotional problems in immigrant students. About a quarter of the school administrators said the behavior issues had become a "very big problem." Some teachers described students who

became suicidal or despondent after a parent faced deportation.

2) Anxious students are skipping class or disappearing.

About 68 percent of educators said absenteeism is a problem because immigrant students are either skipping school or permanently disappearing from class.

One unnamed New Jersey school administrator told researchers: "The kids are scared and sometimes they hide for days when there are immigration raids in the area. Some of the students have no food or place to live because the parents do not have a job and they go day by day."

3) Grades are dropping for some immigrant students.

About 70 percent of the school officials surveyed said they have seen an academic decline among immigrant students. In some cases, immigrant students seemed to give up on school because they no longer saw a future for themselves.

In other cases, students' grades declined after their parents were picked up in immigration raids or their family became stressed about a possible deportation.

One fourth-grade teacher quoted in the study said one her students "told me that her mom is teaching her how to make food and feed her baby sister in case the mom is taken away."

4) Some parents are staying away from schools.

Parent involvement in schools has also declined, according to the educators surveyed. Some parents living in the country illegally have expressed fear that schools are cooperating with immigration officials, despite reassurances that immigration officers will not raid schools.

Judge Permanently Bars Indiana From Blocking Syrian Refugees

Philly (PA), March 1, 2018

A federal judge has permanently barred Indiana from trying to prevent Syrian refugees from resettling in the state under an order Vice President Mike Pence championed as governor.

U.S. District Judge Tanya Walton Pratt approved a judgment Tuesday permanently enjoining Indiana from withholding authorized payments to Indianapolis-based Exodus Refugee Immigration, which resettles refugees in the state.

Pence cited terrorism fears in issuing a November 2015 order barring state agencies from making payments to help relocate Syrians to Indiana.

The American Civil Liberties Union of Indiana sued Indiana, arguing Pence's order illegally targeted Syrians based on their nationality and violated the U.S. Constitution and federal law.

Pratt temporarily blocked Pence's order in February 2016, saying it "clearly discriminates" against Syrian refugees.

A federal appeals court sided with Pratt in October 2016.

Groups Help Defend Gary Against Challenge To Its 'Welcoming City' Immigration Ordinance

By Becky Jacobs, Craig Lyons

Northwest Indiana Post-Tribune, March 2, 2018

Two national groups have come to Gary's defense against a challenge to its "welcoming city" ordinance.

The city has partnered with Georgetown Law's Institute for Constitutional Advocacy and the Protection and the Public Rights Project to fight against a legal challenge to Gary's "welcoming city" ordinance. The lawsuit, filed by the Bopp Law Firm in Terre Haute, claimed the designation violates a 2011 Indiana law by limiting "local law enforcement's cooperation with federal immigration authorities," court records said, but the city's defense team says the filing is just part of a "nationwide effort to roll back" welcoming city and sanctuary city designations.

"Gary's welcoming city ordinance places no restrictions on federal immigration officials' efforts to enforce immigration law, thus making it entirely consistent with Indiana state law," said Joshua Geltzer, executive director of the Institute for Constitutional Advocacy and visiting professor at Georgetown Law, in a statement. "What Gary's ordinance does is empower local police to focus on local public safety priorities, including building and maintaining trust with all communities whose help local law enforcement needs to do its job."

In May, Gary became the first city in Lake County to pass an ordinance to declaring itself a welcoming city, which "prohibits local officials, including police, from requesting immigration status information unless a court order requires them to do so," according to a release.

"Our city passed the ordinance to demonstrate Gary's commitment to ensuring public safety for all city residents and to enable all of our communities to report crime and cooperate with our police without fear," Mayor Karen Freeman-Wilson said in a release. "Our welcoming city ordinance is fully consistent with state and federal law, and yesterday's filing demonstrates our commitment to fighting this lawsuit and the dangerous effort to undermine local law enforcement priorities it represents."

The lawsuit, filed in December on behalf of four plaintiffs who either live or work in Gary, included the City of Gary, Gary Common Council, council members and the mayor as defendants, records show.

"Gary's ordinance allows its police officers to share any immigration status information it may have with federal officials consistent with state and federal law. What the city's

ordinance prohibits are unnecessary and unwise attempts to collect such information in the course of ordinary police work and absent a court order," a release states.

When the ordinance was passed, three council members, including President Ronald Brewer, LaVetta Sparks-Wade and Carolyn Rogers, were hesitant about the designation. Brewer said he was unsure on why it was necessary for Gary to take the stance.

"I don't want to create something that we don't really have any use for," Brewer said at the time.

After the lawsuit was filed in December, council members were divided on whether they should revisit their welcoming city decision. The council has not yet revisited the May vote.

System Won't Register To Vote Those Living In US Illegally

Philly (PA), March 1, 2018

Immigrants living in the U.S. illegally will not automatically be registered to vote in California come April.

At issue is a California law taking effect in April that will automatically register people to vote when they get a driver's license, an ID card, or update their address with the Department of Motor Vehicles. California allows immigrants living in the country illegally to obtain drivers licenses, leading some online news websites to falsely claim they'll be automatically signed up to vote.

California's new program has specific safeguards in place to ensure only U.S. citizens can go through the voter registration process. A DMV worker processing a drivers' license application for an undocumented immigrant, for example, will not be able to access the voter registration boxes, which will be greyed out.

"To be eligible, you have to be a U.S. citizen," said Jessica Gonzalez, a DMV spokeswoman.

S.F. Mayor Now Supports Legal Fund For Immigrants Facing Deportation

By Rachel Swan

San Francisco Chronicle, March 1, 2018

Three months ago, no one in City Hall would have expected Mark Farrell, then the board's most fiscally conservative supervisor, to side with its progressives and fund lawyers for all immigrants facing deportation.

But the world of San Francisco politics turned upside down when the progressives on the Board of Supervisors installed Farrell in the mayor's office last month. His first big move appears to pay them back: This week Farrell teamed up with Assemblyman Phil Ting, D-San Francisco, who will introduce a budget item asking for \$7 million annually to pay for universal counsel in Northern California's immigration court, which is based in San Francisco.

The city's public defender, Jeff Adachi, supplies most of the immigrant lawyers in that court, and his office would be likely to receive a large share of the state money if it's approved.

"The rhetoric out of Trump has intensified to a degree we've never seen before," Farrell said in an interview, painting his proposal as a timely act of resistance to President Trump. It came the same week that federal officials arrested more than 150 undocumented immigrants in Northern California cities, including San Francisco.

Yet, if Farrell is taking a noble swipe at federal officials and policy, he's also made an adroit political move. His proposal would replace legislation by the board's progressive supervisors to more than triple the size of Adachi's immigration unit, which is led by the husband of Supervisor Hillary Ronen.

That legislation, which is scheduled to go to the board's Budget and Finance Committee Thursday, put Farrell in a bind.

As a supervisor he pushed back when Adachi approached the board seeking money outside the normal budget process. The public defender has done that at least four times, and Farrell chastised him for it in 2013. But now Farrell may feel he has to cooperate with the progressives who put him in the city's top job.

So, they made a deal. Adachi and the progressives had asked for about \$5 million: \$2 million to add 14 new staffers at the public defenders' office, and \$3 million to fund nonprofits that provide legal services for immigrants. Farrell wants to shunt that burden to the state.

If the state denies his and Ting's \$7 million request, Farrell promised to use the city as a backstop, earmarking enough money for seven public defender staff positions — half of what Adachi wanted — in the two-year budget that he will roll out shortly before leaving office in June. He'll also chip in the money for the nonprofits.

"I have to say he's been transparent and forthcoming, and I think he even pushed his budget staff to do this," said Supervisor Sandra Lee Fewer, who sponsored the progressives' bill but said that after negotiating with Farrell, she plans to withdraw it and present Farrell's instead.

Farrell is confident the state will deliver, faced with the public outcry over immigration sweeps and pressure from Ting, chairman of the powerful Assembly budget committee.

"California became a sanctuary state in 2017, and our leaders in Sacramento — in particular our San Francisco delegation of Ting, Assemblyman David Chiu and Sen. Scott Wiener — are strong advocates of that policy," Farrell said.

Ting noted that the state set aside \$45 million last year for legal services for immigrants, at a time when Trump was calling for more deportations. But he couldn't say for sure whether legislators would cough up another \$7 million this year.

That might not matter to Farrell, whose temporary term of office ends in four months.

His proposal is unlikely to quiet criticism from the moderate side of the board that Ronen was helping raise the profile of her husband, Francisco Ugarte. He started the public defender's immigration unit and still runs it. He would not get a salary increase or promotion if the board approves funding for the office, and City Attorney Dennis Herrera said it doesn't present a conflict of interest for Ronen.

Even so, some moderates chided Farrell for accommodating people who were once his political foes.

Supervisor Malia Cohen, who chairs the board's Budget Committee, called the mayor "a known flip-flopper." She said she is still reviewing the details of his proposal and has not taken a position on it.

That characterization of Farrell angered Ronen.

"Give me a break," she snapped. "First you criticize progressives for putting a conservative in the mayor's office, then you criticize that mayor for doing something that everyone agrees is the right thing to do — protecting immigrants."

Some political experts see the immigration funding package as part of Farrell's effort to build a legacy quickly.

"This is what he signed up for," said David Lee, a political science lecturer at San Francisco State University who also runs the nonprofit Chinese American Voters Education Committee.

"As mayor, Farrell has to act on behalf of the entire city," Lee said. "And voters in San Francisco have overwhelmingly supported immigrant rights and gone against the Trump administration's policies."

Fewer and Ronen praised Farrell for crossing partisan lines, and marveled at how much access they now have to the mayor's office.

"With Ed Lee, I was always dealing with his budget staff," Fewer said of the former mayor, who died of a heart attack in December. Lee had resisted Adachi's attempt last year to beef up his immigration unit with 17 staff positions, a mix of lawyers and paralegals. After months of arguing, Lee agreed to add five positions.

Farrell, by contrast, was ready to sit at the table and broker with his new political allies, Fewer said.

"Now we're able to talk directly to the mayor and make our case," she said.

"He came up with the idea," said Ronen. "He's the one who took the initiative to call his friends in Sacramento."

But Ronen and Fewer stopped short of embracing Farrell as one of their own. Asked whether they now consider him a progressive, both supervisors flinched. Ronen shook her head.

SF Seeks State Funding To Defend Immigrants Facing Deportation

San Francisco Examiner, March 1, 2018

San Francisco is seeking \$7 million in state funding to represent undocumented immigrants facing deportation in Northern California under a plan Mayor Mark Farrell announced Thursday.

Farrell and Assemblyman Phil Ting, D-San Francisco, will seek the funding to provide legal counsel to those in immigration court who typically face deportation proceedings without representation.

The funding request comes on the heels of a massive Immigration and Customs Enforcement operation this week that had yielded 232 arrests in Northern California as of Thursday evening. Oakland Mayor Libby Schaaf had warned the public of the coming operation over the weekend.

"It is unbelievable what is happening here in San Francisco and I think we have not only the right but the moral obligation to stand up," Farrell said at an afternoon news conference.

Farrell also announced his support for a \$3.5 million proposal from supervisors Sandra Lee Fewer and Hillary Ronen, which would provide additional funding in the current fiscal year for legal defense services for immigrants through the Public Defender's Office and various nonprofits.

"It is not enough to just say that we stand for a sanctuary city and our immigrant communities, we need to put money behind it and we have this opportunity now to provide a lifetime for these communities," Fewer said at the news conference.

The proposal would provide \$1 million to the Public Defender's Office to hire attorneys and investigators and \$2.5 million toward the San Francisco Immigration Legal Defense Collaborative and the San Francisco Immigrant Legal and Education Network.

The proposal would mean that San Francisco spends \$11.1 million on legal defense services for immigrants a year.

The city funding will be voted on at the Board of Supervisors March 13.

The Right-wing Effort To Paint DREAMers As A Nightmare

By Dara Lind

Vox, March 1, 2018

President Donald Trump has called DREAMers — the nearly 2 million young undocumented immigrants who were brought to the US as children — "terrific" people. He has said he wants a "bill of love" to keep recipients of the Deferred Action for Childhood Arrivals (DACA) program safe from deportation (though his administration's actions have fallen far short of that aspiration).

The softer tone makes sense — DREAMers are a sympathetic group. They were "brought here through no fault of their own," they've grown up here, and they attended US schools. The common stereotype of DREAMers is of high school valedictorians and high-achieving professionals who may not even speak the native language of their home countries.

But some conservatives, especially in right-wing media, are happy to go where the White House won't. Conservative media outlets have found a way to reframe the conversation about DREAMers, arguing that young undocumented immigrants are a criminal threat to ordinary Americans — or at least that enough of them might be dangerous that it's not worth the risk of providing legal protections.

On a recent episode of his show, Tucker Carlson on Fox News reported on the Salvadoran-American gang MS-13. The segment lives online with the title: "MS-13 is now in 22 states, thanks to DACA." You can view the whole video at the link below, but be warned: it autoplays. Screenshot via FoxNews.com

Another FoxNews.com story from Monday reported on an undocumented immigrant in Rochester, New York, who was arrested for making threats toward students at a local high school. The headline? "DACA recipient, 21, threatened to 'shoot all of ya b---es' at NY high school, police say."

Last month, the right-leaning Washington Examiner featured this headline: "Report: Ex-DACA criminals, gang bangers go free." And recently some studies from conservative researchers have come out to give more substance to the association these stories attempt to make — that DACA and crime are somehow connected.

What we're seeing from the right isn't a policy argument about DACA or legalizing DREAMers. DACA doesn't shield immigrants who've committed crimes. Immigrants aren't eligible for DACA if they've committed a felony or significant misdemeanor, or three misdemeanors of any kind. DACA recipients who commit crimes can be stripped of their protections and deported.

Instead, it's an attempt to undermine the public narrative that DREAMers, as a generation of immigrants, are already contributing to American society and that they're people Americans should be proud to call their own. The new studies bolstering the myth of the DACA criminal

Traditionally, the association between unauthorized immigrants and crime has been logical — people who flout "the rule of law" to come to the US must not respect it generally. Or it was based on the understandable misapprehension that it's a federal crime to live in the US without papers.

Those implications allow conservative politicians and media outlets to lift up individual crimes committed by unauthorized immigrants, and specifically DACA recipients, without saying outright that they represent deeper criminality.

When DACA was in full effect, Sen. Chuck Grassley (R-IA), the hawkish chair of the Senate Judiciary Committee, used to send out occasional press releases about individual immigrants with DACA getting charged with particularly serious crimes, like murder and child molestation. Ostensibly, Grassley lifted up those cases to ask the federal government why such immigrants had been approved for DACA to begin with. They also drew a connection between the "unlawfulness" of DACA itself (an "executive amnesty") with lawlessness: a willingness to ignore or tolerate violent crime.

But anecdotes were all the hawks had to go on. Research consistently shows that immigrants commit fewer crimes than citizens do; while there's less research specifically on unauthorized immigrants, what information there is suggests they, too, are less likely to commit crimes than their US-citizen peers.

Due to a pair of recent studies, though, the association between DACA and crime now has some data behind it — or at least, there's data that can be framed that way.

First, in January, was a study of 33 years of Arizona jail and prison records from the conservative criminologist John Lott, who's best known for a splashy 1997 study called "More Guns, Less Crime" that has since been pretty conclusively debunked (and for inventing an online pseudonym to defend his own work from the criticism).

Over that time, Lott found, immigrants who were "deportable" made up a disproportionate share of the people who were convicted of crimes and incarcerated, relative to their share of the Arizona population as a whole — suggesting that they might, in fact, commit crimes at higher rates than American citizens. And young deportable immigrants were the most overrepresented in Arizona's prisons: Deportable immigrants "between 15 and 35 make up 2.27% of the total population and 7.94% of convicts," Lott wrote.

Lott's core thesis — that unauthorized immigrants are in fact more likely to commit crimes than other groups — is itself a little shaky. There are some questions about the reliability of the Arizona data Lott used. (A small but nonzero number of prisoners show up in the data as US-born but not US citizens, for example, which is all but impossible.)

There are much bigger questions about whether Lott is interpreting that data accurately. He says his data shows high incarceration among "illegal immigrants," but the actual term in the records is "deportable" — a category that includes both unauthorized immigrants and legal immigrants who've lost their legal status, often because they've been convicted of certain crimes.

But when it came to drawing conclusions, Lott and others didn't stop at the provocative but shaky thesis about unauthorized immigrants and crime. They zeroed in on the data about young unauthorized immigrants — and called

them "DACA-aged illegal immigrants," implying that DACA was offering cover to large numbers of criminals.

"If the goal of DACA is to give citizenship to a particularly law-abiding group of undocumented immigrants, it is accomplishing the opposite of what was intended," Lott wrote.

The idea picked up steam in the conservative media, and even among some politicians: Rep. Paul Gosar (R-AZ) garbled Lott's study in a Facebook post, warning that "DACA-aged illegals" commit 30 percent of kidnappings in the state.

The other recent study that's been used to bolster the link between DACA and crime, a report on MS-13 published last week by the hawkish Center for Immigration Studies (CIS), barely mentions DACA at all. The report compiles more than 500 cases in which MS-13 members have been indicted for crimes in the US, and blames lax immigration enforcement for the gang's recent resurgence — even though it acknowledges that "a smaller percentage of MS-13 members is believed to be here illegally" than was the case during the gang's last heyday in the mid-2000s. (At least a quarter of the MS-13 members cited in the CIS report are unauthorized immigrants; many of the others didn't have their immigration status specified in news reports.)

But CIS doesn't claim that those immigrants are DACA recipients. If anything, it blames the mid-2010s wave of unaccompanied alien children from Central America — and the Obama administration's policies toward those children, which CIS sees as too lax — for reimporting MS-13 to America. Those immigrants aren't eligible for DACA at all, since the program requires applicants to show that they've been in the US since 2007, years before the wave of unaccompanied children began.

CIS reports that more than 100 of the MS-13 members it found came to the US as unaccompanied children. It doesn't even bother to say anything about how many are DACA recipients. The only specific mention of DACA in the report is of a DACA recipient (and professed MS-13 member) who claimed he was directed to take advantage of Obama's policies to bring fellow gang members in as unaccompanied children.

But even if CIS deliberately steered clear of linking DACA with MS-13 themselves, conservative media outlets were happy to do it for them: The Tucker Carlson segment that linked MS-13 to DACA used the study as the peg and interviewed the study's author, Jessica Vaughan. It's easy to avoid a tough conversation about integration and opportunity.

Most people don't know the ins and outs of immigration policy. They don't know that DACA requires applicants to pass background checks and show documentation proving they've been here since 2007. They might not even know DACA requires individuals to apply at all. Nor do they know that, as a matter of policy, DACA has nothing to do with the MS-13 street gang.

That haziness about immigration is what the right is seeking to exploit. Even when Lott's boosters acknowledge that DACA itself isn't available to people who've committed crimes, they lean into the idea that no one really knows whether immigrants have committed crimes or not — turning a "don't know" into a "can't know."

In *National Review*, Peter Kirsanow wrote that because crime in immigrant communities often goes unreported, it's totally possible that DACA applicants could have committed crimes that wouldn't show up on their records; the inescapable conclusion is that no background check could possibly root out the criminal element among the DREAMers.

While the Americans who are skeptical of immigration don't draw a strong distinction between legal and unauthorized immigrants, the idea that unauthorized immigrants broke the law (or, as the term "sanctuary cities" implies, are living outside it) makes it easy for immigration hawks to connect unauthorized immigration in particular to crime. Both DACA and MS-13 appear in news stories about immigrant young people and "illegality" — so surely there's a reason they're both in the news at the same time, right?

This is the kind of casual lack of understanding that led, say, NPR's Terry Gross to ask the *New Yorker*'s Jonathan Blitzer (one of the best US-based journalists on MS-13 and Central American immigrants), "If DACA is extended or if DACA is totally canceled, what impact would that have on MS-13?"

The answer, as Blitzer politely pointed out, is: "There is no relationship between DACA and MS-13."

This isn't to say that the positive stereotype of the "valedictorian DREAMer" tells the whole story, or that there aren't social problems facing DREAMers and young immigrants (and children of immigrants). The US-born children — the "second generation" — of immigrants (specifically black and Latino immigrants) are often less educated and earn less money than their parents. They're more likely to be single parents or have kids young, and they are, in fact, more likely to commit crimes.

Sociologists call it "negative assimilation." And there's reason to worry about it; the National Academy of Sciences, in its sweeping 2015 study of immigrants in the US, identified negative assimilation as one of the biggest concerns for the long-term well-being of both immigrants and their descendants and America more broadly.

We don't know what "causes" negative assimilation (and there almost certainly is more than one cause), and whether it says something about immigrants, America, or both.

But having a conversation about all this not only means accepting that the people already living here will stay here — it also means that America ought to care about them. From the perspective of immigration hawks, that's exactly backward. Instead of believing that spending a certain

amount of time in America makes a foreigner American, they're concerned about the opposite: that parts of America have been inhabited by unaccountable foreigners and opaque to law enforcement for so long that they've become foreign enclaves on American soil.

That's a fear that has long animated the right when it comes to immigration, and it is a fear that conservative media is all too eager to inflame.

'DREAMer,' Who Walked 250 Miles To D.C., Arrested While Protesting

By Steph Solis

USA Today, March 1, 2018

Four young immigrants were handcuffed and arrested Thursday afternoon while protesting on the streets of Washington, D.C., capping off a 250-mile march from New York City to the nation's capital.

Osvaldo Rodriguez, 26, of Red Bank, N.J., blocked an intersection near the U.S. Capitol holding a sign that read, "Build bridges, not walls," chanting that he was "undocumented and unafraid" before his arrest Thursday afternoon. Aldo Solano, Maria Duarte and Cinthia Garcia Benitez also were arrested, but they were released after paying a ticket.

"That's for the most part what keeps me going, that I'm on the right side of history," said Rodriguez, who crossed the U.S.-Mexican border at age 10 with his parents.

Rodriguez was among 11 young immigrants with temporary protections under the Deferred Action for Childhood Arrivals (DACA) program who walked to Washington, D.C. Eleven "Dreamers," he said, made the trek on behalf of the estimated 11 million unauthorized immigrants living in the United States.

Their goal? To campaign for legislation that would not only offer DACA-eligible people a path to citizenship, but also reject the border wall, restrictions on family-based petitions and increased resources for Immigration and Customs enforcement. Congress has stalled on passing an immigration bill as Republicans pushed for a deal that would grant a pathway to citizenship to 1.8 million young immigrants without legal status in exchange for a border wall and President Trump's other demands to crack down on illegal immigration.

Some Democrats pushed back, but ultimately no deal has garnered enough support to pass. Trump insisted last week that he remained ready to make a deal.

The 11 "Dreamers" and allies who joined the march are part of the Seed Project and affiliated with advocacy group Cosecha. The advocacy group believes in grassroots change without relying on politicians to effect change. They spent two weeks walking through rain, snow and blisters through each leg of the 250-mile journey.

Some of the same DACA recipients, including Rodriguez, drove down to Washington, D.C., last year and staged protests in the U.S. Capitol, which are prohibited. They were arrested and released then as well.

News Rodriguez's previous arrest and his activism garnered mixed reactions on social media, from supporters who wished him well along the journey on Facebook Live to conservatives in Monmouth County who called for his deportation.

Rodriguez said he's fighting for human rights just like other groups have historically.

"Just like every other movement, we're resisting in a non-violent way," he said. "We're a non-violent movement, and we pride ourselves in that."

This was the first time they protested risking arrest since the Supreme Court ruled it's legal to detain non-citizens indefinitely if they're pending deportation.

Rodriguez plans to get a ride back to New Jersey Friday. When he does, he said, he'll focus on mobilizing locals to support immigrants without legal status, including in the statewide campaign for driver's licenses.

"We need a 'clean' Dream Act without any more harm into my community and without more separations of the family," he said. "This will only be accomplished by joining forces with the community who stands behind us."

\$20 Million In Scholarships Offered To DACA Students

By Michael Casey

Associated Press, March 1, 2018

CONCORD, N.H. (AP) – For a lot young immigrants known as "dreamers," the cost and challenges of juggling jobs and family duties often prove to be insurmountable hurdles to earning a college degree.

But now one New Hampshire university is hoping to change that with a \$20 million program that will offer scholarships to 1,000 working class and low-income students who are part of the Deferred Action for Childhood Arrivals program, or DACA program. Most scholarship programs for DACA students are offered to attend more expensive, four year programs.

Southern New Hampshire University is getting support from The Shapiro Foundation, an organization which primarily assists children and refugees and TheDream.US, the largest scholarship program for dreamers. TheDream.US provides over \$100 million in scholarships to 3,000 DACA students at 75 partner colleges in 15 states.

The university will offer the assistance over the next five years for DACA students to pursue degrees through one of the university's online programs. The scholarship program will cover many more students than the others because the university estimates the tuition is about 25 times cheaper than

what a student might pay to attend a traditional, four-year university.

"As an institution of higher education, we are in the business of hope," said Paul LeBlanc, SNHU's president. "We have hundreds of thousands of young people who have known no country but the U.S., but that are denied the financial support that gives them access to higher education."

One of the first students to get a scholarship is Luanna Vieira, a DACA student from Framingham, Massachusetts, who came to the United States from Brazil when she was 3. A high school senior whose parents are both undocumented, Vieira said she was considering skipping college until she found out about the Southern New Hampshire program.

DACA students like Vieira aren't eligible for federal financial aid, including Pell Grants.

"I was speechless. I almost cried to be honest," Vieira said when she heard about receiving a scholarship. "I was giving up on college because of the cost. It was like a sign from God that I can go to college."

The announcement comes as the Obama-era DACA program that shielded from deportation hundreds of thousands of young immigrants who were brought to the country by their parents is at risk.

President Donald Trump announced he was ending DACA unless lawmakers come up with a solution by this month. Federal judges have issued injunctions ordering the administration to keep DACA in place while courts consider legal challenges.

The uncertainty has prompted some organizations like TheDream.US to start searching for ways that the DACA scholarships could follow students out of the country if they were to be deported.

Southern Oregon University has arranged for its sister school, Universidad de Guanajuato in Mexico, to take in its DACA students if they are deported.

TheDream.US also have said their high-profile funders – including \$33 million from Amazon chief Jeff Bezos – has agreed to keep the money in place regardless of DACA status.

LeBlanc said the Southern New Hampshire program "could travel" with the students if they had to leave the U.S. Southern New Hampshire already has programs for students in other countries, including one for hundreds of students in a Rwandan refugee camp.

Don Graham, co-founder of TheDream.US, said that they were attracted to this model partly due to the reach of the program and the potential to expand it beyond the 1,000 students.

The Dreamers "have families, and simply do not have the resources nor flexibility to adjust their lives to a traditional college calendar," Graham said in a statement. "And yet, they want nothing more than to get a college education so they

can better support themselves, their families, and their communities."

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On Immigration, As Reagan Knew And Trump Doesn't, Policy Must Bend To Fit Reality

By Nicole Hemmer

Vox, March 1, 2018

Every workable immigration policy from the 1986 amnesty to Obama's DACA plan has had one thing in common: They were attempts to adapt policy to the reality of migration.

Trump's hardline immigration proposals all push in the opposite direction: They try to mold reality to fit policy.

Which is why, if history is any guide, these proposals are doomed to fail.

Trump is hardly the first to struggle to enact a hardline immigration policy. Trump wants to end the diversity lottery (which brings in immigrants from countries that rarely supply them), fund part of the border wall, and slash legal immigration. He has important precursors. In the 1920s, restrictionists put into place America's first comprehensive immigration policy, motivated in large part by a set of racial theories that placed white Europeans from Northern and Western Europe on the highest rung of a eugenicist ladder.

They developed a set of strict national quotas that overwhelmingly favored immigrants from those areas while sharply curtailing opportunities for migrants from other regions. Germany could send more than 50,000 immigrants a year, Great Britain 34,000, and Ireland more than 28,000. But Russia was limited to only 2,200, and the entire continent of Africa was allowed a mere 1,200. Immigration from Asia was entirely barred.

Yet reality intruded even into this rigidly racist set of policies. Despite deeply rooted anti-Mexican and anti-Latino racism, the racist quotas set in 1924 made an exception for the Western Hemisphere.

Any man born in an independent nation in the Western Hemisphere, from Canada to the southernmost tip of South America, could migrate along with his wife and underage children. That exemption came about thanks to the influence of the agriculture lobby. Southwestern farmers argued that they could not function without the labor of migrants from Latin America.

And so, while ideology demanded restriction, reality required openness. The 1920s-era restrictions changed as the world took note of American hypocrisy.

Ideologies changed over the 40 years of the quota system and ideas about who should be allowed to migrate shifted. World War II and the Cold War each created

incentives to end the ban on Asian immigration, if in a token way. For instance, Chinese immigration, barred since the 1880s, resumed in 1943, though only 105 entry visas were issued per year. This served both as a nod to alliances and an attempt to convince the world that the US was not fundamentally racist.

But that was a difficult fiction to maintain while the quota system existed. The combined pressures of the civil rights movement at home, which elevated the cause of racial equality, and the Cold War, which heightened the need for at least the outward appearance of equality, inspired a massive rewrite of immigration law.

The result was the Immigration and Naturalization Act of 1965, the basics of which continue to structure our immigration system and shape our debates. The new law did away with the national-origins quota and favored family reunification and high-skilled migrants (though only if they had specific job offers or worked in a profession deemed scarce by the Labor Department). Crucially, the law also capped immigration from the Western Hemisphere for the first time, fundamentally redefining America's southern border.

The law also embodied a new set of commitments to fairness. Upon the abolition of the old quota system, President Lyndon B. Johnson said it had "violated the basic principle of American democracy — the principle that values and rewards each man on the basis of his merit as a man." The new immigration regime restored that principle, knocking down "the twin barriers of prejudice and privilege."

It was a nice idea, and the aspirations Johnson voiced were commendable. But by the 1980s, the practical flaws inherent in the new immigration regime were starting to show. The 1965 immigration law created fresh problems, finally confronted in the 1980s

The law's new rules for the Western Hemisphere created a difficult new situation for migrants from Mexico, who were used to a cyclical migration pattern tied to the growing cycle. Over time, increased policing of the border spurred migrants to become long-term or permanent immigrants, often without official documentation. They brought with them young children or gave birth to children — US citizens — after arriving. They found employment, built lives, and integrated into communities first in border states and then across the country.

The presence of these undocumented immigrants, vital to the social and economic life of the United States, emerged as one of the many unintended consequences of the new immigration law. By the 1980s, some 5 million undocumented immigrants — some from the Western Hemisphere, many others from Europe, Asia, and Africa who had overstayed their visas — lived in the United States, caught in a shadow world of unauthorized residency. At another key turning point, both parties opted to be immigration realists

Legislators had two options: a hardline approach or a realist one. A hardline "solution" — raids followed by the detention and deportation of millions of immigrants — would have destroyed lives, devastated American communities, and punched a hole in the economy.

Congress instead worked toward a flexible solution that recognized the lived realities of immigrants as well as their importance to the economy (while strengthening border security and, for the first time, fining employers for hiring undocumented immigrants).

The fix was far from perfect. By cracking down on the ability of employers to hire undocumented migrants, the bill ensured the continuation of an unstable gray-market labor economy, with the concomitant ever-present fear of crackdowns.

The Temporary Protected Status designation, created to aid refugees, likewise created new realities on the ground that politicians had to consider, forcing them to set aside rigid ideologies. Created in 1990 as a path to aid people who were in the US when their home countries were afflicted by war or natural disasters, TPS in its very name stressed the temporariness of the designation. But wars, natural disasters, and famines create chaos lasting much longer than the six to 18 months of protection offered by TPS.

Time and again migrants have seen their TPS status renewed, to the point where migrants have been in the United States for years, building lives and families in this country. In truth, there is little temporary about TPS, whether the people affected are victims of the 2010 Haitian earthquake or refugees from the Sudanese civil war. Some Sudanese have been in the US under TPS status for more than a decade.

There is no simple answer to this. Ripping people from their communities and sending them to a country they haven't seen in more than a decade seems cruel. Creating a path to residency or citizenship is a complicated endeavor, and building a national consensus for any of those policies now appears impossible. One policy now seen as idealistic began as blatant ethnic favoritism

The diversity visa, which Trump and his allies have been attacking, is yet another example of a policy shaped not just by ideology but by realities on the ground. Opening up immigration to countries that historically send few people to the US is a reasonable, even noble idea, in the abstract. But "diversity" was hardly the initial goal. As the historian Carly Goodman recounts, the provision was first developed to allow a route to citizenship mainly for Irish immigrants.

By the late 1980s, tens of thousands of Irish had fled poverty in their home country and were living without authorization in the United States, leading to a drive to "legalize the Irish." These were not relatives of US citizens, nor had they come under the rules laid down in 1965.

Policy had to respond to the reality of this population. But to avoid the perception that the law was a giveaway to

the Irish, legislators framed it as an issue of “diversity,” adding countries that sent fewer than 50,000 immigrants to the US in the previous five years.

Making the case for more Irish immigration was a political winner, and the diversity visa lottery program became a mainstay of US policy, offering a way in for 50,000 immigrants who didn't qualify under the employment or family reunification standards. But while the visa was devised to aid Irish immigrants, it also ended up helping African immigrants, and others who indeed had been underrepresented. The push-and-pull of pragmatism and idealism had a beneficial final result.

Immigration policy is inherently difficult because it is the locus for a collision of national values, economic calculations, and the lived experience of millions of people and their families. Policymaking is made more difficult when the issue is clouded with false claims and fear-mongering, as it is when Trump ties immigrants to crime, although the rates of crime among immigrants are lower than among native-born Americans.

But the fundamental lie underpinning all the Trump proposals is the notion that there is a simple, permanent plan that can cut through the messy reality and “fix” immigration — and that anything short of such a solution amounts failure or a betrayal. The idea that the 1986 immigration act would forever sort out the tangle of undocumented migrants was always a fallacy; it was never going to comprehensively resolve complexities of immigration flows in the Western Hemisphere.

Immigration will always be a fluid, complicated issue that will need regular updating to account for economic conditions, unintended consequences, and shifting national values.

That is why it is imperative for Republicans to move away from apocalyptic narratives and hardline solutions, and for Americans to accept that, when it comes to immigration policy, there is no single perfect solution — only efforts to adapt and adjust the rules in humane and thoughtful ways.

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This Is Why Indian Immigrants Won't Benefit From Trump's Immigration Plan

By Bidisha Biswas And Ramya M. Vijaya
[Washington Post](#), March 1, 2018

President Trump has been arguing for a new immigration policy, in which highly skilled immigrants are favored over anyone else in line, including family members (which his administration calls “chain migration”). And many Indian immigrants support that approach. In fact, the Republican Hindu Coalition held a recent rally — with about 200 Indian Americans attending — specifically to support the plan.

The coalition argues that Indian immigrants are highly skilled — and so would do well under the plan. It's a sentiment shared by many Indian high-tech workers, doctors and others with advanced education.

But they're wrong. In fact, Indian immigrants to the United States come via many different pathways, from many different backgrounds. What's more, the group and its backers do not fully understand the administration's real immigration priorities.

It's true that Indian immigrants dominate the H1-B visa, a category for highly skilled workers — but there's a catch

In recent years, most high-skilled Indian immigrants have come on the H1-B visa, a temporary visa that employers can use to bring in high-skilled workers when no qualified American is available. Since about 2001, Indian immigrants have held the majority of H1-B visas each year, in some years making up over 70 percent of H1-B visa holders.

[Why did Republicans become so opposed to immigration? Hint: It's not because there's more nativism.]

But there's the catch in Trump's plan for Indian immigrants. While publicly arguing in favor of high-skilled immigrants, the Trump administration has quietly waged a campaign to limit the use of these visas, issuing a series of measures to reevaluate and restrict their use. Most recently, on Feb. 22, U.S. Citizenship and Immigration Services released a memo detailing new restrictions on H1-B visas.

Why the apparent contradiction in Trump's approach — emphasizing skilled immigrants while restricting the visa that brings them in? This makes more sense once you look at the history of attitudes toward Indian immigrants in the United States.

But the deeper issue is race

Let's start with a 1923 Supreme Court ruling. The *United States v. Bhagat Singh Thind* case underscored the racially inferior position of Indian immigrants. Bhagat Singh Thind was being blocked from citizenship by a 1790 law that reserved the right of citizenship to a “free white person.” Thind argued that as a “high caste Hindu,” he was Caucasian, and petitioned the Supreme Court to grant him citizenship. The Supreme Court denied his petition, ruling that Thind was not white in “accordance with the understanding of the common man.”

[Black immigrants in the U.S. face big challenges. Will African Americans rally to their side?]

The 1920s were a period of racial anxiety about immigration, with many arguing publicly that white Americans were being overwhelmed by foreigners from darker countries, including southern Europe. Not until 1965, in response to the civil rights movement, did Congress pass the Immigrant and Naturalization Act, which eliminated race-based national quotas and favored skill and family-based immigration. That enabled relatively large numbers of skilled Indian immigrants to come to the United States. That's worth emphasizing: The United States opened to skilled migrants from India only because of civil rights movements that directly challenged the racist history of earlier immigration laws.

When Trump asked why the United States couldn't encourage immigrants from countries like Norway instead of countries in Africa, which he spoke of in vulgar language, he was fully in the spirit of earlier quotas for "white" countries. It's a sentiment shared by other Trump administration officials. Attorney General Jeff Sessions has argued that the 1965 law led to a problematic explosion of "unassimilated" immigrants.

In 2015, while still senator, Sessions argued in favor of the 1924 law, saying that current numbers of "nonnative born" Americans were too high. "When the numbers reached about this high in 1924, the president and Congress changed the policy, and it slowed down immigration significantly ... and it was good for America." Sessions also favored stringent curbs on legal immigration, particularly for STEM jobs. Given that Indians are the biggest recipients of STEM-related visas, he may be especially concerned that high-skilled Indian immigrants are taking STEM jobs from "real" Americans.

Since 1965, the Indian-American population has emerged as one of the most successful subgroups in the United States. Indian immigrants generally arrive with a strong command of English, a product of Indian colonial history, extensive education and significant human capital. Consequently, Indians have had less experience with overt discrimination than other racial minorities. Nevertheless, in the eyes of Sessions and those who share his views, they are still not sufficiently "assimilated." Like Bhagat Singh Thind, Indians will not be perceived as white in the "common understanding."

All that can be seen in a wide range of incidents. For instance, during the 1980s, Indian immigrants faced a group called "dotbusters", who violently targeted the expanding Indian community in New Jersey. After the 9/11 terrorist attacks, some angry Americans attacked Indians, including the fatal shooting of a Sikh man in Arizona by a person who said he wanted to kill "towel heads." In 2012, a white supremacist killed six people in a mass shooting at a Sikh temple in Wisconsin. More recently, in 2017 an angry gunman killed an Indian immigrant in Kansas, yelling, "Get out of my country!"

Most Indian immigrants to the U.S. are not highly skilled. They're family members.

Moreover, even though Indians receive the biggest share of H1-B visas, most Indian immigrants are not highly skilled. Since the first wave of skilled Indian immigrants arrived, they've brought over their families in large numbers. As we show in our book, between 1970 and 2010, family-sponsored green card recipients from India outnumbered those whose green cards came through employment.

Indians, like all immigrant groups, have sought the comfort of family connections, strengthening their community ties and cultural identities. Trump and his aides have been vilifying the family-sponsored visa category, and favor restricting how many family members any immigrant can bring along after settling in the United States.

[What will happen to El Salvador when the U.S. ends the protected status of Salvadoran immigrants?]

The Trump administration's immigration policies are unlikely to benefit immigrants of Indian origin. Indian Americans may wish to build coalitions with other immigrant groups to advocate for a balance between skilled and family immigration.

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IMMIGRATION ENFORCEMENT

Vietnamese Immigrants Are Stuck In Limbo, Detained Indefinitely, Lawsuit Says

By Samantha Schmidt

[Washington Post](#), March 1, 2018

Hoang Trinh's family arrived in the United States when he was 4 years old, fleeing postwar communist Vietnam in 1980. Trinh became a legal U.S. resident, married and raised two American children in California's Orange County.

But he has spent the past seven months detained by Immigration and Customs Enforcement. After serving one year in prison for a drug charge in 2015, he was arrested for possessing marijuana in 2017, and was ordered removed from the country, according to a lawsuit filed last week.

But Vietnam can't take him back. Because of an existing repatriation agreement between the two countries, Vietnamese citizens cannot be sent back to Vietnam if they arrived in the U.S. before July 12, 1995, when the two governments reestablished diplomatic relations.

This means that detained Vietnamese refugees like Trinh are now stuck in an indefinite limbo. Unable to deport these immigrants, ICE has been keeping them in detention for prolonged periods of time, some as long as 11 months, immigration lawyers say.

A group of Vietnamese immigrants has filed a lawsuit against U.S. officials, alleging the government is violating federal law by indefinitely detaining dozens of Vietnamese immigrants living in the United States.

"Indefinite detention of immigrants is both unlawful and inhumane," Anoop Prasad, a staff attorney at Asian Americans Advancing Justice-Asian Law Caucus, said in a statement. "Each day causes untold harm to the people in detention and their families."

ICE representatives could not immediately be reached for comment but declined to address the pending litigation when asked by the Associated Press.

About 1.3 million Vietnamese immigrants live in the United States, according to the Census Bureau. About 8,000 to 10,000 of those are living in the country with final deportation orders, risking imminent detention, according to the lawsuit.

Lawyers for the detained immigrants say they believe an "overwhelming percentage" of these Vietnamese immigrants arrived in the U.S. before 1995, fleeing persecution under the Communist regime.

The class-action lawsuit, filed on behalf of Trinh and three other plaintiffs, states that at least 40 pre-1995 Vietnamese immigrants have been detained for longer than 90 days. Many of those in detention were legal residents years ago but lost their green cards after criminal convictions.

"ICE's detention campaign against the Vietnamese community even includes re-detaining people who were released years ago, living peaceably in their communities and regularly reporting to ICE as they were required to do," Phi Nguyen, litigation director with Asian Americans Advancing Justice in Atlanta, said at a news conference Wednesday.

Until 2017, when ICE arrested pre-1995 Vietnamese immigrants with final deportation orders, authorities would generally release them within 90 days under orders of supervision.

That practice changed last year, coinciding with the Trump administration's immigration crackdown, according to the lawsuit.

"ICE is now acting in complete disregard for the law," Nguyen said, despite the fact the repatriation agreement, made with Vietnam in 2008, remains in effect.

"The only thing that has changed is our administration wants the Vietnamese government to completely abandon the repatriation agreement," Nguyen said. "However, the Vietnamese government is rightfully resisting."

Lawyers behind the suit say they believe the Trump administration is ramping up arrests of refugees who arrived before 1995 to pressure Vietnam to take them back.

Vietnam is one of several countries that cannot accept certain immigrants for repatriation. Others include Cambodia, Somalia and Iraq. The same group of lawyers filed a similar lawsuit last October, when more than 100 Cambodian

refugees were detained. The lawyers called it one of the "nation's largest raids on Southeast Asian communities in history." Many Vietnamese refugees were also arrested that same month. Earlier this month, the deportation of 92 Cambodian immigrants was temporarily stopped by an Orange County judge.

Immigration authorities deported 71 people to Vietnam last year, compared with 35 the previous year, according to ICE statistics.

Many of the refugees who left Vietnam before 1995 fled a postwar Communist regime that seized private enterprises and forcibly relocated hundreds of thousands of South Vietnamese to uninhabited jungle areas. Scores of South Vietnamese were captured and sent to hellish "reeducation camps." Nguyen said her parents fled Vietnam after her father was jailed for three years, subjected to physical labor and starvation.

Tung Nguyen arrived from Vietnam as a teenager in 1991. At 16, he was convicted in a fatal stabbing, during which he held a man at knife point while his friend stabbed the man, NBC News reported. He was tried as an adult and sentenced to 25 years to life in prison. But after serving 18 years, Gov. Jerry Brown reviewed his case and immediately released him on parole, based on "exceptional rehabilitation."

Since then, he has lived with his wife and children normally, despite having a final removal order against him. He fears that at any point, ICE could detain him, he said at Wednesday's news conference.

"They are ripping families apart," Nguyen said. "It scares me. ... I can't imagine the day that they're going to come and take me away from my family."

"We are being punished again for crimes that we did decades ago," he also said, adding that he was "stupid" as a young adult, but is now a working member of his community.

Vu Ha, one of the petitioners in the lawsuit, is a 37-year-old Orange County resident who fled to the U.S. in 1990, when he was 10 years old.

He was arrested three times between 2000 and 2005 as a young adult, with robbery as his most serious offense, according to the lawsuit. Then, in 2017, he was arrested and detained for failing to pay a fine for driving without a license. He has been ordered removed from the country and has been detained at an ICE facility in Adelanto for the past five months.

Phi Nguyen, the litigation director, said in the news conference that she visited Ha in detention at Adelanto on Tuesday. She read a message from him about his incarceration.

"I made some bad decisions in the past," Ha told her, she said. "I know I have hurt my mom. I want to be able to spend this time to take care of her, make it up for her. She is in her 90s. There is not much time left."

Feds Say Boston's Sanctuary City Policy Is 'Serious Risk'

Boston Herald, March 1, 2018

Federal officials asked Boston police to detain 68 suspected illegal immigrants last year, a 353 percent increase over 2016 that has an advocacy group seething — but the feds are blasting the city for not honoring any of the detainment requests and letting numerous “criminal aliens” out on bail.

The 68 civil detainer requests last year sent by Immigration and Customs Enforcement officials marked a significant jump from 15 requests in 2016, according to BPD statistics. ICE uses detainers to ask police departments to hold people in custody for up to 48 hours while ICE investigates their immigration status. But City Hall's Trust Act — making Boston a de facto sanctuary city — forbids BPD from participating unless ICE has a criminal warrant.

Of the 68 people ICE requested detainers for, the BPD sent 50 to court for arraignment and released 18 after they posted bail. Police have said bail commissioners decide whether someone with an ICE detainer can be released, but ICE Boston acting Director of Field Operations Thomas Brophy said the Trust Act policy makes Boston less safe.

“The release of criminal aliens back on Boston streets continues to pose a serious and dangerous risk to our communities,” Brophy said in a statement. “ICE remains committed to tracking, arresting and removing criminal aliens in the interest of public safety and national security, despite the city's decision to not honor detainers and jeopardize the safety of the citizens of Boston.”

“As in other communities that follow the same misguided approach, not honoring ICE detainers presents an unnecessary hurdle for law enforcement and poses a significant threat to public safety in the city,” Brophy said.

ICE officials were unable to provide details on why they issued detainers for those 68 people, and a BPD spokesman said the department could not release information about the detainees because of state criminal records law.

Ivan Espinoza-Madrigal, of the Lawyers' Committee for Civil Rights and Economic Justice, said it was unclear if any of the 68 people posed a threat to the community and slammed the increase in detainers as federal fearmongering.

“It is deeply concerning to see such a profound increase. This is part of the federal government's efforts to create fear and to destabilize immigrant communities,” Espinoza-Madrigal said. “The Trust Act and other sanctuary city policies in Boston are vital for public safety. They keep us all safe by making victims and witnesses of crime comfortable coming forward to report crime and to collaborate with law enforcement.”

An ICE spokesman said detainer statistics can fluctuate from year to year depending on multiple factors. Jessica

Vaughan, director of policy for the Center of Immigration Studies, said the increase was “remarkable,” but showed a shift in priorities instead of pushback on Boston.

“I don't think it means ICE is necessarily targeting Boston because of its policies, I think it reflects a change in policy from the Obama administration to the Trump administration,” Vaughan said, adding the detainers create a “paper trail” showing that ICE is making requests even though BPD is likely to shoot them down because of the Trust Act.

In a statement, Mayor Martin J. Walsh said “Boston's diversity only makes our city stronger and I will never stop fighting for our immigrant community.”

ICE Arrests Of N.J. Immigrants Without Criminal Records More Than Doubled In 2017

By Carla Astudillo

NJ News, March 1, 2018

More than twice as many undocumented immigrants in New Jersey with no criminal histories were arrested by U.S. Immigration and Customs Enforcement last year as compared to 2016, a direct result of the dragnet-style policy set forth by President Trump.

Of the 3,189 immigrants arrested by ICE in the Garden State in fiscal year 2017, 1,271 did not have a criminal conviction, significantly more than the 571 from the previous year, according to records obtained under the federal Freedom of Information Act and analyzed by NJ Advance Media.

Put another way, more than 3 immigrants with no criminal record were arrested per day in the state last year.

Both total arrests and the number of those arrested with a criminal record increased as a result of President Trump's January 2017 executive order that greatly expanded who ICE considered to be an “enforcement priority” to include people with no criminal convictions.

That was a reversal of a 2014 memo issued by then-President Barack Obama that prioritized the arrests of those who had committed serious crimes.

Advocates say the most alarming element of the increase in non-criminal arrests is the number of immigrants arrested during ICE operations intended to target other people.

“They're collateral,” said Chia-Chia Wang, the organizing and advocacy director of American Friends Service Committee, an immigrant rights group. “They go after someone they are targeting, but because the other people that are with them are also deportable, they get arrested too.”

A spokesman for Newark's ICE office said the agency continues to focus on undocumented immigrants who pose a threat.

“While ICE continues to prioritize its enforcement resources to focus on individuals who pose a threat to

national security, public safety and border security," the spokesman said, "the agency's acting director has made it clear that ICE will not exempt classes or categories of removable aliens from potential enforcement."

It's unclear how many of the non-criminal arrests last year were the result of previous removal orders being enforced. The office spokesman said that statistic was not available.

Non-criminal arrests fell significantly in the U.S. in 2015 and 2016 after Obama's executive order. But all of that changed yet again after Trump took office.

Of all ICE field offices, the Newark region had the highest percentage of arrests of undocumented immigrants without criminal convictions in 2017, according to a recent Pew report. About 40 percent of arrests were non-criminal last fiscal year, up from about 25 percent in 2016.

Advocates have noticed the uptick in non-criminal arrests, especially targeting people with outstanding removal orders going back years that, until recently, had not been a priority for ICE.

In January, two Indonesian undocumented immigrants living in Metuchen and Franklin Park with removal orders were arrested while dropping their kids off at school as part of a targeted operation by ICE.

Immigration lawyers at non-profits like the American Friends Service Committee and American Civil Liberties Union of New Jersey have also seen an increase in arrests of undocumented immigrants with removal orders that come in for their routine check-ins with ICE.

"They're low priority," Farrin Anello, senior attorney for the ACLU in New Jersey. "These people have been giving their addresses to ICE, checking in every year and following all of the rules."

Anello said even targeting people with criminal histories is far from perfect.

"People are more than the sum of their offenses," Anello said. "For a prosecutor, it's not just looking at criminal history, but also their work situation or family history."

A previous criminal conviction can also mean anything from a conviction of a violent crime to a traffic violation.

According to ICE's fiscal year 2017 report, the five most common criminal convictions nationwide among those arrested by the agency were driving under the influence of alcohol, possessing or selling "dangerous drugs", previous immigration offenses such as falsifying citizenship claims, traffic offenses and assault.

In addition, the prior convictions may have occurred decades ago, with someone since living productively and without incident in the country for several generations.

"Their convictions may be way out of proportion to the penalty that they're being given," Anello said. "To be banished from the country."

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Suffolk Sheriff: ICE Detainees Number 1-3 Per Day At Jail

By Rick Brand

Newsday (NY), March 1, 2018

Suffolk County sheriff officials, trying to ease concerns the county jail could house hundreds of federal immigration detainees, told county lawmakers Thursday they so far have held only one to three such detainees at a time and only those already arrested on local crime.

The presentation to the Public Safety Committee aimed to explain a new agreement signed in December. A Newsday story said the pact could permit the housing of as many as 150 federal prisoners at a time facing deportation and bring in as much as \$900,000 a month in revenue for the county.

Michael Sharkey, chief deputy sheriff, said Suffolk does not have room to house 150 federal detainees at once, and that number was included by federal officials to cap their maximum expense.

Sharkey said that since the new agreement was signed, the county has recouped about \$14,000 a month in reimbursement for one to three prisoners a day. ICE takes prisoners within 48 hours, he said.

Sharkey emphasized that Suffolk is reimbursed only for prisoners already charged with a local crime and who already have appeared before a Suffolk judge.

The new agreement updated an existing pact with the federal government, raising county reimbursement from \$120 to \$200 a day for holding county prisoners sought by U.S. Immigration and Customs Enforcement under administrative warrants, Sharkey said.

County legislators, who have authority over the use of county property, asked sheriff's officials to testify, after the new agreement came to light.

The agreement's existence surfaced in filings from federal and local officials in response to lawsuits challenging the legality and constitutionality of Suffolk's earlier dealings with detained immigrants, Newsday reported.

The agreement was signed by former Sheriff Vincent DeMarco, who has been seeking a job with the Trump administration, before he left office in January.

County Attorney Dennis Brown said his office is still researching whether the agreement should have come to county lawmakers for approval.

Afterward, Anita Halasz of Long Island Jobs with Justice, which is active on the issue, said she accepts the sheriff's numbers, "but it does not calm the community's fears. The system is still stacked against them."

On-again, Off-again Deportation Flight Is Off Again

By Riham Feshir

KSJF-FM Collegeville (MN), March 1, 2018

A previously postponed charter flight to deport about 100 Somalis, Sudanese and Congolese immigrants back to Africa has been rescheduled again, lending yet more anxiety and confusion to an already stress-filled situation.

The Somali Embassy in Washington confirmed Thursday that a flight that was set to take off Friday had been rescheduled "due to weather delays." According to lawyers and families of the detainees, they were set to fly to South Sudan because neighboring countries Kenya, Ethiopia and Djibouti weren't giving landing permission.

About 40 of the detainees are Somali, many of them from the Twin Cities. This is the first flight scheduled to deport Somalis since a mission to deport 92 other Somalis failed in December and returned to the United States after sitting in Senegal for 23 hours. Those 92 remain in the United States as legal proceedings continue.

The most recent group of immigrants is being held in the West Texas Detention Center in Sierra Blanca after being picked up from around the country.

The flight had been set to take off Wednesday, Feb. 28, according to attorneys and family members, but then was rescheduled for Friday. An operator with the embassy said there is a list of Somali deportees set to fly back "sometime in March."

"We never seem to know where he's going or when he's leaving," said Marly Melsh of Minneapolis, whose fiancé is one of the Somali detainees. "And they tend to do it in the middle of the night."

A spokesperson for U.S. Immigration and Customs Enforcement (ICE) said the agency doesn't provide advance notification of its deportation schedules for operational security reasons.

But immigration attorneys say the government's practice of rushing to deport people denies them due process and the opportunity to investigate their options. Some of the detainees have defenses that could keep them in the country.

Michele Garnett McKenzie, deputy director of the Minnesota Advocates for Human Rights, has a client who's part of this group. She said he entered the United States from Mexico and asked for asylum, but he never had a chance to go before an immigration judge.

"There is no real path to make that case," she said. "It's really alarming."

The detainees are often moved around without easy access to attorneys. John Bruning has a pending case, but said it's been difficult to connect with his client. Even in ideal circumstances, with the client not under detention, the legal process takes time.

"When they move people around it makes it really difficult to represent them and investigate what their options are going to be," Bruning said. "And this is a challenge that we encountered with the last flight."

Many of the Somalis on the flight had prior removal orders, some dating back to the 1990s or early 2000s. They were ordered to check in with ICE regularly in a supervised-release type of program. Recent check-ins, however, have led to their arrests.

Bruning's client was one of those. Bruning said his client fled Somalia in 2009 after al-Shabab threatened him and his brother for refusing to join. He was denied asylum in California and was released on an order of supervision.

President Trump's executive orders last year have given ICE officers discretion to expand the pool of undocumented immigrants they could arrest. It's why the once-routine check-ins have become an opportunity for ICE to find and arrest more undocumented immigrants.

Bloomington immigration attorney Malee Ketelsen-Renner said asylum seekers wouldn't have agreed to their probation deals if they'd known they'd be deported a number of years down the line. They would've stayed in detention and fought their cases.

"Many of these Somalis would not have acquiesced to accepting an order of deportation if they knew removals to Somalia would become a reality," she said. "At the time, they were in removal/deportation proceedings, there was no formal or recognized Somali government. And the U.S. government was not deporting Somalis to Somalia."

Marly Melsh, the fiancée of one of the Somali detainees, said he doesn't have family there and she's having trouble arranging for someone to pick him up because she doesn't know when the flight will take off.

"It's very dangerous to me," she said. "I can't imagine just being dropped off in a country, even if it's a country I'm from. Just dropping me off in California — I wouldn't know what to do."

Homeland Security Offers To Drop Deportation Case Against Wife Of 7th Special Forces Group Vet

By Tara Copp

Military Times, March 2, 2018

The Department of Homeland Security has offered to drop the proceedings that could have led to the deportation of a U.S. Army 7th Special Forces Group veteran's wife, the family's attorney announced late Thursday.

The case came to light in a Military Times exclusive that reported how retired Sgt. 1st Class Bob Crawford, an Army Ranger who spent the latter part of his career with 7th Special Forces Group conducting counter-narcotics missions in Latin

America, was fighting to keep his wife Elia from being deported.

The family faced an immigration court hearing Monday in Arlington, Virginia, that could have led to Elia's deportation. Elia Crawford entered the country illegally in 1999. As a military spouse, she is eligible for a provision known as "Parole in Place," that allows her to seek legal status in the U.S.

In the last year however, there has been a chilling effect on receiving those exemptions, said attorneys for the Crawfords and other military families facing the same predicament.

"We are now at a crossroads that could make or break this family," said attorney Leticia Corona. "The latest development in this case is that we were contacted today by the Department of Homeland Security's Office of the Chief Counsel who offered to dismiss deportation [removal] proceedings."

"Once the judge approves the dismissal, this would allow Mrs. Crawford to pursue permanent legal status. While we are encouraged by this latest development there will still be a long road ahead."

After the Crawfords' story published, Military Times was contacted by several other families also facing the deportation of a spouse. Defense Secretary Jim Mattis has previously said that service members and veterans would be protected from deportation due to an agreement he came to with the DHS, but it is not clear if that new agreement would extend to family members.

"This is just one example of what many military families across the country are experiencing as they, too, try and keep their families from being torn apart," Corona said.

"We feel passionately about this issue coming to light because of the many sacrifices our military makes as they protect our country, as well as the sacrifices their loved ones make as they offer support and manage without family members while they are deployed. We are hopeful for a positive outcome in this case that will also help other families across the country dealing with the same issues."

Immigration Judge Grants Asylum To Suburban Teen Activist From Honduras

By Elvia Malagon

Chicago Tribune, March 1, 2018

Maryori Urbina-Contreras, center, with her mother, Tania Contreras Guerrero, left, and Julie Contreras, no relation, a volunteer with the League of United Latin American Citizens of Lake County, meets with attorney Christopher Helt at his offices on February 7, 2018, in Evanston, Ill. CHICAGO – She was robbed at gunpoint in her native Honduras, fled the country by herself at 13 to find her mother in the United States and spent several years in legal limbo, but on

Wednesday, Maryori Urbina-Contreras seemed to finally find an oasis in a rough journey.

A Chicago immigration judge early Wednesday evening granted the 17-year-old's bid for asylum – an against-the-odds plea – setting the girl on a path to becoming a U.S. citizen.

After hours of testimony about how the girl was a victim of and witness to violent gang holdups in the Central American country, Immigration Judge Jennie Giambastiani took 15 minutes to deliberate before explaining that the teen should remain in the United States.

"This is a woman who has a bright future and has demonstrated she is really attached to this country," Giambastiani said. She then granted Urbina-Contreras asylum.

A teary-eyed Urbina-Contreras sat in the Loop courtroom and thanked the judge while her mother, Tania Contreras, stood up and lifted her arms into the air. The teen can apply for a green card within a year, paving the way for U.S. citizenship.

Outside of immigration court, Urbina-Contreras wrapped an American flag around her while surrounded by her family.

"This is the flag that protects me," she said in Spanish. "This is my home now."

Her victory was anything but certain – 78 percent of asylum cases from Honduras were denied nationwide from fiscal years 2012 to 2017, according to an analysis from Syracuse University. To be granted asylum, a person must establish past persecution or a fear of future persecution because of race, religion, nationality, membership in a particular social group or political opinion.

Urbina-Contreras first bid for asylum through the office of U.S. Citizenship and Immigration Services was denied in 2015.

Still, Giambastiani determined Urbina-Contreras was part of a particular social group in Honduras – one of young, poor females without protection from family – who could be exposed to more violence, and she ruled that it wasn't reasonable to believe the teen would be able to move to a safer part of Honduras if she returned.

Urbina-Contreras was among thousands of unaccompanied children who flooded across the southwestern border of the United States, causing a humanitarian crisis in 2014. In the four years she's been in the United States, Urbina-Contreras has traveled to Capitol Hill, granted television news interviews, making the case for her and others fleeing violence to stay in this country.

Her journey to be reunited with her mother, who came to the U.S. when Urbina-Contreras was a baby, began when the girl was just 13 – on bus rides, by walking and taking an airboat from her Central American country to the Texas border.

Her attorney, Christopher Helt, argued that Urbina-Contreras, as a witness and victim of violent robberies at the hands of Honduran gang members, could face further persecution if she was forced to return to the country – the fact that she's young, poor and female, practically guarantees it, he said.

During hours of testimony, the judge and a Department of Homeland Security attorney questioned whether she could have stayed with her father in Honduras – something Urbina-Contreras said wasn't an option – and asked her to recount the crimes she faced.

Urbina-Contreras testified that at 13 she was already taking taxis to school because buses in her neighborhood were unsafe, saying robbers had taken her identification card and she feared the gang responsible knew who she was and where she lived.

"I felt in danger. I knew I was exposed to danger and I knew that this person could kill me and was capable of doing that," Urbina-Contreras said in Spanish.

But after Wednesday's ruling, which the government declined to appeal, Urbina-Contreras will return with her mother and two U.S.-born sisters to the family's residence in suburban Waukegan. She is a junior at Waukegan High School and plans to one day study nursing. The judge told Urbina-Contreras she was a "heck of a determined young lady" and that she would like to see her become a citizen someday.

"I hope you never forget this day," Giambastiani said.

"Never," Urbina-Contreras said.

She Was Granted Asylum, But Honduran Teen Activist's Immigration Journey Isn't Over. Here's What's Next.

By Elvia Malagon

Chicago Tribune, March 1, 2018

After a Chicago immigration judge granted Maryori Urbina-Contreras' request for asylum, the teen and her family — emotional from the stress and the joy — gathered for a meal of beans, cheese and plantains, a traditional breakfast in the girl's native Honduras.

News of the judge's Wednesday decision spread fast through newspaper and broadcast reports, and on Thursday she walked into Waukegan High School like a hero: praised for her courage by the principal, treated to a celebratory cake by a teacher and asked by school staff to help students like her.

"I woke up peaceful with a desire to go to school," she told the Tribune in Spanish. "And I have the opportunity to continue moving forward."

The teen is savoring the moment, but she knows the journey to stay in the U.S. is ahead of her. On Wednesday she spent the better part of the afternoon in a Loop courtroom

looking back at her short life. How her mother fled Honduras when Urbina-Contreras was just 8 months old. How she grew up with an aunt and saw her dad infrequently. How she was robbed at gunpoint and later witnessed a fatal holdup in her gang-infested community, and then decided she couldn't take it anymore.

So in 2014, when she was just 13, she set off by herself, walking and riding a bus and an airboat to reach the U.S.-Mexico border, where she eventually declared to authorities she wanted to seek asylum. She was then sent to the Chicago area to live with her mother as the case slowly wended its way through the courts.

Knowing this was her last bid to stay in the country, both Urbina-Contreras and her attorney stressed during Wednesday's hearing that because she was young, female and poor, returning to Tegucigalpa would almost guarantee she would be targeted by the gangs. Immigration Judge Jennie Giambastiani granted her request for asylum, which requires a petition to prove past persecution as a result of her social status.

"How could that not be persecutory to a young child?" the judge said of the incessant violence Urbina-Contreras testified she witnessed.

The judge's ruling doesn't change her daily routine much — she'll continue living with her mother, Tania Contreras, and two sisters in suburban Waukegan, going to school and looking toward a future career in medicine. But now she'll begin a two-step to become a U.S. citizen.

To accomplish that, here's a look at what's ahead for her:

Deportation fears shelved

For now, her asylum status means she cannot be deported to Honduras, she can lawfully work and she can apply for a Social Security number that would be used to report her wages to the government and determine whether she's eligible for Social Security benefits. But the office of U.S. Attorney General Jeff Sessions would have to clear any trips abroad. Asylum status can be terminated if the government determines the person no longer meets the definition of someone who sought asylum, is convicted of a serious crime or has sought citizenship elsewhere.

College dreams

The Waukegan High junior can also search, in earnest, for a college where she can study nursing — and she's eligible for grants and loans to help cover the cost. Students who are permanent residents or who have been granted asylum are considered what's known as an "eligible noncitizen" who can apply for federal student aid, according to the U.S. Department of Education.

Path to citizenship

Urbina-Contreras' attorney, Christopher Helt, said immigrants can remain a green card holder for life, but the vast majority pursue citizenship. Before making the leap,

Urbina-Contreras will first have to seek lawful permanent residency, which she can apply for in a year. That status comes with a green card, typically renewed every 10 years, that can be used to show she is eligible to work in the United States. Green card holders also can apply for some federal social welfare benefits.

Reaching the finish line

At the beginning of Wednesday's hearing, the teen blurted out that the U.S. was her home country when asked a question about language. And her goal is to one day have the full benefits that are afforded to her two U.S.-born sisters. But she won't be able to apply for naturalized citizenship until she has lived in the U.S. for at least five years as a permanent resident. If she meets all the requirements, including an interview and series of tests, she will take an oath of allegiance to the U.S. at a ceremony. But anyone with a serious criminal conviction is ineligible for citizenship, and other convictions could prevent someone from seeking this step for a period of time.

Activism, yes. Voting, at least for now, no.

Since arriving in this country, Urbina-Contreras has taken on the role of political activist, traveling to Capitol Hill to advocate for teens from Central America like her. But she'll have to wait years to fully participate in this country's political process. In fact, the immigration judge presiding over the case gave her a stern warning not to cast a ballot — or even register to vote — until she becomes a citizen. Noncitizens are not allowed to vote in federal elections. A federal statute allows officials to deport someone who has voted in violation of state or federal law.

Man Arrested In Round Rock Deported To Face Murder Charge In Mexico

By Mary Huber

Austin (TX) American Statesman, March 1, 2018

A man arrested in Round Rock last year in connection with a killing in Mexico was deported by U.S. Immigration and Customs Enforcement officers on Wednesday, according to a statement from the agency.

Gregorio Galvan-Gutierrez, 60, was arrested by a fugitive task force on July 13 in Round Rock and taken to a detention center in South Texas, officials said.

Authorities in Mexico informed ICE that Galvan-Gutierrez was wanted for the shooting death of a man who was found on the side of a dirt road in San Francisco, a small community on the Pacific coast.

Mexican law enforcement found the man's body on March 25, 2003 and a prosecutor later determined he had died from gunshot wounds, ICE said.

The Mexican government issued an arrest warrant for Galvan-Gutierrez for aggravated murder in connection to the crime.

On Wednesday, he was taken by ICE officers to the Texas-Mexico border and handed over to Mexican authorities, officials said.

Man Arrested By Immigration Agents In Court Last Year Back In Jail

Bangor (ME) Daily News, March 1, 2018

A Westbrook man who was detained by immigration agents in a Portland court last year is back in jail and again facing deportation.

Abdi Ali, a Somali national who has lived in the United States since he was a child, is serving a 20-day sentence in the Cumberland County Jail for violating conditions of a previous release.

Upon completion of this sentence, the 29-year-old will be held for Immigration and Customs Enforcement and is expected to appear in immigration court sometime after that, an official with the federal agency said.

Ali's 2017 arrest stirred controversy as the first known example of immigration agents entering a Maine courthouse to detain someone. He was arrested while in court to plead not guilty on a drunk driving charge and faced deportation on the basis of a 2013 drug-possession conviction for which he had already served jail time.

At the time, Ali said that he feared he would be killed if he was sent back to Somalia, a country he left at the age of 7. He was subsequently granted release on bond by an immigration judge.

Since then, Ali was again arrested for drunk driving before being detained by Westbrook police on Feb. 1 for violating conditions of his release, according to ICE spokesman John Mohan. The agency also arrested Ali, who it had been seeking and considered "a serious public safety threat based on his continued criminal activity after being released" by an immigration judge, Mohan said.

Ali came to the U.S. from Somalia legally as a refugee in 1996, according to a previous interview and immigration documents reviewed by the Bangor Daily News. He is subject to deportation because he was never naturalized as an American citizen.

Ali's lawyer, Robert Levine, could not be immediately reached for comment. The attorney told KeepMeCurrent.com, which first reported the arrest, that he is working to reverse Ali's past drug conviction and that his client did not know at the time that it would expose him to deportation.

In September, Cumberland County Sheriff Kevin Joyce said that his jail will no longer honor ICE requests to hold people beyond their scheduled release without a supporting warrant and charge.

Mohan said that immigration agents arrested Ali on an outstanding warrant and that he will be issued a new

immigration charge and have his bond canceled upon completing his criminal sentence.

Undocumented Meriden Woman Has Deportation Deferred

Meriden (CT) Record-Journal, March 1, 2018

MERIDEN — Undocumented city woman Nelly Cumbicos was granted another stay on a deportation order that had been scheduled to take effect Wednesday, allowing her to remain in the country while she appeal the order.

Cumbicos' deportation has been "deferred by a court pending a decision on a motion filed in her case," ICE spokesman John Mohan said in a statement Thursday. He also said "continues to remain under an alternative-to-detention status (not in ICE custody) pending the outcome of that appeal."

Cumbicos and her attorney, Erin O'Neil-Baker, could not be reached for comment. Supporters, meanwhile, provided no details, other than to confirm that Cumbicos remains in Connecticut.

Cumbicos, 41, fled violence in Ecuador and illegally crossed the border into the United States in 2000. She was unaware a final order of removal had been issued against her until she attempted to apply for a Green Card in 2015.

The most recent stay is just the latest in a series of reversals for Cubmicos, who was originally scheduled to be deported Feb. 16 before receiving a stay by the Department of Homeland Security while the Second Circuit Court of Appeals processed an appeal to her case. That decision was reversed four days later and she was given a new deportation date of Feb. 28, only to receive the current stay.

Community members have supported Cumbicos by rallying in front of City Hall and the City Council issued a letter last month asking the Department of Homeland Security to allow her to stay in the country while her appeal plays out.

City Councilor Miguel Castro said Cumbicos remains in the country. Elizabeth Benton, press secretary for U.S. Sen. Richard Blumenthal, said she was instructed not to disclose Cumbicos whereabouts.

"The attorney said she is safe and that's all that they wanted to say," Benton said.

Abigail Hernandez Returned To Federal Detention

Rochester (NY) Democrat & Chronicle, March 1, 2018

Abigail Hernandez, the 21-year-old student charged with making a terroristic threat against East High School, has been returned to federal custody. A spokesperson for Immigration and Customs Enforcement confirmed Thursday that she is being held at the detention facility in Batavia.

On Monday, City Court Judge Stephen Miller ordered her returned to the Monroe County Jail on a nominal bail of

\$100. She was to be held there until she returned for a hearing on March 15.

That did not happen.

The court proceedings left the impression that she was being returned to the County Jail, but instead federal agents took her back into custody and returned her to the Batavia facility. She is identified by the name "Abigail Hernandez-Arellano" in their inmate database.

"Hernandez-Arellano will remain in ICE custody while immigration charges are pending," said Khaalid Walls, a spokesman for the agency. He did not provide an explanation of how Hernandez came to be moved from court to the federal lockup.

The Monroe County District Attorney's Office had no objection to Hernandez being held in the county jail, said Calli Marianetti, a spokeswoman for the office.

But it was understood by the lawyers and judge that ICE could take Hernandez back to Batavia instead. "It wasn't up to the judge to have her transferred to the jail. It was up to ICE to allow that," Marianetti said.

Jail superintendent Ron Harling said that deputies with the Monroe County Sheriff's Office traveled to Batavia on Monday to pick Hernandez up and bring her to court. They returned her to Batavia afterward.

"She was never here (at the jail). She was returned," Harling said. "Right now she is an ICE inmate."

Hernandez was first detained by agents with Immigration and Customs Enforcement when she was released from the Monroe County Jail on bail on Feb. 21. She is considered an undocumented immigrant and is facing deportation as well as the criminal charge.

Her father, Eufracio Torres, said Hernandez has special needs and is very dependent on her family. She was a student at Edison Career & Technology High School, and previously attended East High before she was moved to Edison for a special education program better suited to her needs.

Torres said he'd been turned away from authorities in Batavia when he attempted to visit his daughter. The guards there told him he could see her only if she put in writing that she wanted him as a visitor; he said she lacks the cognitive ability to do so.

During a court appearance Monday, public defender Emily Rosmus asked Judge Miller to impose a nominal bail so that Hernandez could be held instead at the Monroe County Jail.

Torres said he and his wife have green cards, and their two younger children are American citizens. But they did not obtain necessary documents for Abigail when she was brought to this country.

The DACA policy allows young people who were brought here unlawfully as minors to live, attend school and

work without fear of deportation as long as they abide by the law and meet a range of guidelines.

If a so-called Dreamer is charged with a crime, judged a threat to public safety or found to have violated program rules, ICE can commence removal proceedings.

Rochester Police charged Hernandez with making a terroristic threat, a felony. She allegedly posted on the East High School Facebook page, on the afternoon of Feb. 15: "I'm coming tomorrow morning and I'm going to shoot all of ya bitches."

Sen. Hirono Introduces Bill To Help Minors Appearing In Immigration Court

Big Island (HI) Now, March 1, 2018

Sen. Mazie Hirono (D-Hawaii) led 12 Senators in introducing the Fair Day in Court for Kids Act to provide unaccompanied children with access to legal representation when they appear in removal proceedings before an immigration judge.

"Unaccompanied children are seeking a better life away from violence, abuse, and terror in their home countries," said Sen. Hirono. "The Fair Day in Court for Kids Act provides these children with an opportunity to tell their stories and assert what legal rights they have. These children should not be expected to represent themselves alone against the federal government, as they are some of the most vulnerable people in our legal system."

The Fair Day in Court for Kids Act is cosponsored by Senators Richard Blumenthal (D-Conn.), Cory Booker (D-N.J.), Chris Coons (D-Del.), Catherine Cortez Masto (D-Nev.), Dianne Feinstein (D-Calif.), Kirsten Gillibrand (D-N.Y.), Kamala Harris (D-Calif.), Ed Markey (D-Mass.), Robert Menendez (D-N.J.), Jeff Merkley (D-Ore.), Chris Murphy (D-Conn.) and Ron Wyden (D-Ore.).

"The right to legal counsel is a central tenet of our justice system," said Sen. Blumenthal. "Yet unaccompanied immigrant children as young as 3 and 4 years old are expected to navigate the cold complexities of our legal system with no one to help them through the process. The consequences of sending these children back to the countries they are fleeing can be literally life-and-death. We have a moral obligation to ensure that that decision is made with due process, including access to an attorney."

"The influx of unaccompanied children coming to the United States is a humanitarian crisis," said Sen. Masto. "These children are fleeing some of the most violent countries in the world to escape poverty, hunger, slavery and human trafficking. Kids as young as three or four years old have to face a judge on their own while seeking asylum. Imagine being that child, or your own child having to legally defend themselves without knowing the language, let alone the legal system. A large majority of kids who do not have legal

representation are deported, and in many cases, killed, sexually assaulted, or forced into human bondage upon their return to their countries of origin. The Fair Day in Court for Kids Act will ensure that no child fleeing for his or her life has to face a judge on their own and that they get fair trial in court with the help of an appointed counsel."

"Nearly 20 years ago I watched as a young Chinese girl who had emerged from a container ship was shackled and crying before an immigration judge," said Sen. Feinstein. "She couldn't speak English and didn't understand what the judge was saying. After working for several years, we were able to pass a law to ensure immigrant children like that young Chinese girl would be treated with respect and not detained indefinitely, but we're still working to ensure they're guaranteed access to lawyers. Immigrant children as young as three years old are still being forced to represent themselves in court every day, denying them a fair shot at making their case against being deported. These children deserve access to lawyers, and that's what our bill would provide."

"I am proud to join my colleagues in reintroducing this common sense legislation to give counsel to unaccompanied children. Children who cannot be expected to adequately represent themselves in court and often don't even know how to self-identify as victims of abuse, crime or human trafficking," said Sen. Menendez. "Studies have shown that a majority of recently arrived unaccompanied minors are eligible for legal protection that would allow for them to remain lawfully in the United States. Even in the Trump era, it is common sense that a child fleeing for her life should be appointed counsel to ensure her due process rights are respected."

"Right now, thousands of children flee violence in their communities and come to the United States in search of safety and a better life," said Sen. Murphy. "Many of these kids wind up being deported without ever even talking to a lawyer because the government is not required to provide counsel. Our country should be ashamed. Congress needs to take action immediately to ensure that every child who comes to this country alone is not forced to defend themselves in immigration court. I urge my colleagues to pass the Fair Day in Court for Kids Act."

The Fair Day in Court for Kids Act is supported by the American Academy of Pediatrics, Kids in Need of Defense (KIND), the Women's Refugee Commission, and the First Focus Campaign for Children.

"The Fair Day in Court for Kids Act would be life-changing—and life-saving—for children who come alone to the United States fleeing for their lives," said KIND President Wendy Young. "Without an attorney, children cannot access our incredibly complex immigration system or U.S. protection in any meaningful way. We risk returning children eligible for U.S. protection to grave harm or even death. By ensuring all

children are provided attorneys, we uphold due process, fundamental fairness, and access to U.S. protection for an extremely vulnerable population. The Fair Day in Court Act for Kids represents who we truly are as a nation."

"The Women's Refugee Commission strongly believes that this bill is an important step toward ensuring that the U.S. adheres to our moral and legal obligation to protect refugee and other vulnerable children seeking our protection," said Leah Chavla, policy advisor at the Women's Refugee Commission. "No child should have to try to make their case alone, in a language they may not know, in a legal system they are unfamiliar with and may not understand, when the stakes can be life or death."

"It is our responsibility to ensure that children who are seeking refuge in the United States are not deterred from doing so and that our government provides the best protections and services to these vulnerable children during every step of the process," said Bruce Lesley, president of the First Focus Campaign for Children. "No child should be forced to face a courtroom alone, especially when the outcome may be a matter of life or death."

Without some kind of legal representation, many immigrant children are unable to invoke legal protections to which they may be entitled, and even to answer questions that may result in their removal from the United States. Studies show that more than half of children without attorneys are deported. Conversely but only one out of 10 with access to counsel are deported. The complex immigration system is difficult enough for an English-speaking adult to navigate with the assistance of an attorney, yet children as young as three years of age are expected to advocate for themselves—a situation that has been challenged as unconstitutional. In non-immigration cases, including criminal cases, children who cannot pay for a lawyer are afforded one at government expense.

The Fair Day in Court for Kids Act would require that unaccompanied immigrant children be represented by government-appointed counsel during removal proceedings and any subsequent appeals. The Act would mandate that these children are informed of this right, and have access to a lawyer even if they are being detained in a government facility. The Act would also encourage the recruitment of attorneys willing to help these children on a pro bono basis, and would create professional requirements and guidelines for legal representation of these children.

In 2014, Sen. Hirono led a bipartisan Congressional delegation to Texas border facilities to call attention to the arrival of thousands of unaccompanied child migrants arriving from Central America, many of whom were fleeing violence in their home countries. In 2016, she witnessed immigration proceedings involving children firsthand at a Baltimore immigration court and met with a non-profit organization that provides legal and support services to unaccompanied child

migrants. She was an original co-sponsor of the Fair Day in Court for Kids Act in the 114th Congress.

ICE Improperly Modified Detention Facility Agreement With Eloy

Arizona Republic, March 1, 2018

Immigration and Customs Enforcement acted improperly when the agency modified a contract with the city of Eloy in 2014 to open the largest detention center in the nation 900 miles away in south Texas, a government watchdog report has found.

The decision to modify the contract with Eloy, instead of negotiating a new contract directly with the private contractor, likely resulted in the agency overpaying for detention services for the 2,400-bed South Texas Family Detention Center in Dilley, Texas, said the report by the Department of Homeland Security Inspector General.

The improper arrangement also allowed the Texas facility to be operated by the private contractor, Corrections Corporation of America, now known as CoreCivic, with little government oversight, the report said.

"ICE has no assurance that it executed detention center contracts in the best interest of the Federal Government, taxpayers, or detainees," the report said.

The modified contract was improper because ICE negotiated it directly with CCA, instead of with Eloy, and because the addition of family detention was outside the original contract with Eloy, the report said.

Since 2006, ICE had contracted with Eloy to provide housing for up to 1,500 immigration detainees at the Eloy Detention Center, also operated by CCA.

In September 2014, ICE modified its existing contract, known as an intergovernmental service agreement, with Eloy to open the detention facility in Dilley, Texas, following a surge of undocumented families and unaccompanied minors, mostly from violence-plagued Central America seeking asylum after crossing the border illegally in south Texas and turning themselves over to Border Patrol.

"Although ICE could have contracted directly with the private company that operates the South Texas Family Residential Center, CCA, it instead created an unnecessary 'middleman' by modifying its existing (contract) with Eloy," the report said. "Eloy's sole function under the modification is to act as the middleman between ICE and CCA."

Eloy collects about \$438,000 "for this service," the report noted.

It's unclear whether Eloy now stands to lose that revenue. City officials did not immediately return a call seeking comment.

The inspector general's report recommends ICE tear up its modified agreement with Eloy and establish stronger

procedures for signing intergovernmental service agreements in line with federal procurement guidelines.

So far ICE is refusing to tear up the modified agreement with Eloy. The agency maintains that proper procurement guidelines were followed when it needed to quickly provide "care and housing for families in ICE custody at the South Texas Family Residential Center in Dilley, Texas, during unprecedented surge in illegal migration during the last half of 2014."

The inspector general's report, however, notes that after reviewing the modified agreement, ICE's Commercial and Administrative Law Division warned top ICE officials that the contract was "not legally advisable."

The inspector general's report also noted that ICE has had time to negotiate a new contract but in October 2016, the agency instead chose to improperly extend the modified Eloy contract until 2021, three years longer than the original agreement.

"Although the October, 2016 modification eliminated early termination fees, we believe ICE should have executed a new agreement directly with CCA," the report said. "The October 2016 modification is improper for the same reasons as the September 2014 modification."

The modified contract drew criticism after coming to light in January 2015.

Private-prison critics said the arrangement was highly uncommon, and raised concerns that the city of Eloy was being paid \$435,000 a year but provided no supervision over the detention facility in south Texas.

At the time, Eloy City Manager Harvey Krauss said the city received 50 cents per bed at the south Texas detention center, regardless of whether the beds were filled or not.

The city planned to use the \$435,000 in annual windfall to pay for one-time building maintenance and other repairs, but the money would not be included in the city's annual budget because city officials did not know how long the city would continue to receive the money, Krauss said at the time.

Judge Refuses To Drop Immigration Charge After Claim Of Racial Profiling In Portland Traffic Stop

By Edward D. Murphy

[Portland \(ME\) Press Herald](#), March 1, 2018

A federal judge in Portland has refused to dismiss charges or suppress evidence against an undocumented immigrant from Honduras whose attorney argued that he was the victim of racial profiling.

Mario Ernesto Garcia-Zavala was detained after a controversial traffic stop in Portland in September and charged with illegally re-entering the United States after being deported four years ago.

A van in which Garcia-Zavala was riding was stopped by a Maine state trooper last September on Interstate 295.

Garcia-Zavala's lawyer has said the van was pulled over due to racial profiling, while the state trooper who made the stop said he stopped the van because a front seat passenger was not wearing a seatbelt and he later noticed a cracked windshield.

In dashboard-cam recordings, the trooper, Robert Burke III, is heard discussing the situation with another trooper in which the Spanish-speaking passengers are referred to as "disgusting" and "sketchy as hell."

Burke also makes reference in the videos to a competition with another trooper about who can make the most arrests in a month.

Garcia-Zavala's lawyer, Robert Andrews, alleged that the traffic stop was too long – the van was detained to provide time for immigration agents to arrive – and there was no probable cause for an arrest. He also sought to have the case dismissed because Garcia-Zavala was held for 13 days before he was brought to face a judge in federal court.

But U.S. District Judge George Z. Singal disagreed. He declined to dismiss the case, finding that Garcia-Zavala was being held on what immigration officials call an administrative hold, which is a civil, rather than criminal proceeding. Suspects facing criminal charges generally have to be brought before a judge within 72 hours.

He also ruled that Garcia-Zavala's rights were not compromised by the traffic stop itself or by the length of the stop, deciding that it was 21 minutes into the stop when Burke determined that Garcia-Zavala was unlawfully present in the country. Singal also said that, after an hour, the trooper determined that there was no licensed driver in the van and a tow truck needed to be called, creating a further delay. Singal also ruled that the suspected seatbelt violation was a valid reason for the traffic stop and that information about Garcia-Zavala's immigration status was properly obtained.

Andrews said he will likely appeal the rulings, but that may be determined by whether a plea deal is reached with prosecutors.

Garcia-Zavala was first arrested by the U.S. Border Patrol in Texas four years ago for being in the U.S. illegally. He was deported a month after his arrest. Those convicted of illegal re-entry are often sentenced to time served and then deported.

Although he admitted to Burke that he was in the U.S. illegally, and he faces deportation regardless of the outcome of the case, Garcia-Zavala is now fighting the charge to avoid having a felony on his record.

Garcia-Zavala and the other men in the van were living in South Portland and working at an industrial site that was not identified in court documents.

It was not clear how many of the other men faced immigration enforcement actions, although at least some of them were detained.

The U.S. Attorney's Office had no comment on the judge's ruling.

Andrews said he and Garcia-Zavala will also discuss whether to file a separate suit, alleging his rights were violated by the state trooper.

The video presented in court by Garcia-Zavala's attorney mostly captures conversations between Burke and Trooper Jay Cooley, in which they can be heard ridiculing the Spanish-speaking passengers and talking about previous traffic stops when Burke called in agents with U.S. Immigration and Customs Enforcement, or ICE.

"This is the (expletive) ICE motha load right here," Burke told Cooley in the video. "Fourteen of 'em. Not one of them speaks English. Drivers – No driver's licenses. ICE is gonna be coming out here with their (expletive) SWAT team on this one. I just need you to watch them. They're all (expletive) sketchy as hell."

No Exemption For Terrorism Support Under Duress: 2nd Circ.

Law360, March 1, 2018

The Board of Immigration Appeals is entitled to deference in its determination that federal immigration law bars immigrants from qualifying for asylum if they have provided significant support to terrorists, even if they allegedly were pressured into doing so, the Second Circuit held Wednesday.

The appellate court panel upheld the BIA's precedential 2016 decision that the so-called material support bar in a section of the Immigration and Nationality Act does not include an implied exception for an unauthorized immigrant who has provided material support to a...

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The Law Is Designed To Deny Immigrants Their Basic Rights

Daily Beast, March 1, 2018

The stories, by now, are legion, and they all have one theme: Immigrants do not have the same due process rights as the rest of us.

Alejandro Rodriguez, named plaintiff in this week's Supreme Court decision *Jennings v. Rodriguez*, spent over three years in detention while his immigration appeal proceeded (PDF). This week, the court held that under the governing statute, he was not entitled to a bail hearing.

Immigration activist Ravi Ragbir was unexpectedly detained during a routine annual check-in with ICE on Jan. 11, and flown to Miami for immediate deportation without a process or hearing. A federal judge ruled on Jan. 29 that he

had the right to "say goodbye." His new deportation date is March 15.

In Kansas, Syed Ahmed Jamal, a chemistry teacher and father of three who has lived in the United States for over 30 years, was suddenly arrested on Jan. 24, shipped to El Paso, Texas, and was about to be put on a flight to Bangladesh when a judge granted him a temporary stay of removal. His case is now in court, but his fate may depend on public pressure and a Change.org petition.

Daniela Vargas, a 22-year-old undocumented "Dreamer," was arrested and threatened with deportation after she dared to speak to the media last year. Seventeen-year-old Maryori Urbina-Contreras fled violence in Honduras to live with her mother outside Chicago, but will be deported next week if her asylum claim is not granted. She's been litigating that claim since 2015.

How is any of this possible? Well, long before the Trump administration's crackdown, American law has treated immigrants, legal and illegal, as less than equal. There are three ways this inequality plays out.

First, in no other area of law are law enforcement officers granted so much discretion. The way our immigration laws are written, ICE and the Department of Justice can choose at random who stays and who goes.

That's why DACA, the Deferred Action for Childhood Arrivals program, is such an easy program to repeal; it's basically nothing more than an internal memo, left over from the Obama administration.

It's also why Jamal was targeted. Until Jan. 25, 2017, the government said that it would not hunt down people with strong familial and communal ties—people like Syed Ahmed Jamal. Then, Donald Trump signed an executive order, and poof!, that policy was gone. No judicial review, no administrative process. Because the executive branch is given so much discretion in immigration law enforcement, it can change its mind willy-nilly.

Or, as it has done, in a way that systematically targets Muslims and Latinos.

That wide discretion also gives an unlimited, inquisitorial authority to ICE and immigration courts. What they say goes, for good or ill. Earlier this month, for example, ICE moved to deport Jesus Berrones, an undocumented Arizona man whose 5-year-old son is battling leukemia. After media exposure—Berrones took shelter in a church—ICE changed its mind. "In an exercise of discretion, ICE has granted Jesus Armando Berrones-Balderas a one-year stay of removal on humanitarian grounds," a spokesman said.

That story has a happy ending (for now), but consider how this family's lives hang in the balance, dependent solely on the discretion of law enforcement.

Not so lucky is Ricardo Querales, an HIV-positive gay refugee who was granted asylum in 2004 but arrested for a minor drug offense in 2009. Querales was told last month—

again, at a routine check-in and with no advance warning—that he was being deported to Venezuela. Due to the economic crisis in that country, HIV medications are not widely available, which means his deportation is practically a death sentence.

There are hundreds of stories like these, of men and women—almost always Latino or Muslim—bouncing around in an administrative roulette wheel, with their lives at stake.

Second, the judicial processes that immigrants face—again, whether their status is legal, illegal, or uncertain—take place outside the normal judicial system. In the Immigration and Nationality Act of 1965, Congress severely limited judicial review of immigration decisions and placed all but final determinations in the hands of special immigration courts, which themselves are under the authority of the Department of Justice, not the judiciary. It's an entirely different system, without many of the features and protections most Americans take for granted.

And those courts are a mess. In New York, people wait an average of two years for their claims to be heard. During that time, they may be detained (without bail or bail hearing) under harsh conditions; Justice Breyer's dissent in *Jennings* cited a 2017 Department of Homeland Security document "reporting instances of invasive procedures, substandard care, and mistreatment, e.g., indiscriminate strip searches, long waits for medical care and hygiene products," and so on.

As bad as mass incarceration and private prisons are, this Kafkaesque system is even worse. Research by one American University professor found that administrative detention is routinely inhumane. In the space of just a few months, airport ICE personnel handcuffed a 5-year-old child and separated him from his parents, detained one woman for 20 hours without food, and handcuffed a 65-year-old woman traveling from Qatar to visit her son stationed at Fort Bragg, holding her for 33 hours.

Moreover, these are people who often win once their cases are finally heard. They are asylum seekers who face violence in their countries of origin, or people who have lived in the United States for decades, or people whose debts to society have already been paid.

In other words, they are innocent people detained for years in an administrative regime with extremely limited judicial oversight.

Indeed, Justices Thomas and Gorsuch wrote this week that the court should not have heard *Jennings v. Rodriguez* in the first place, because *Rodriguez* has no right to appeal to a regular court until his deportation order is finalized (PDF). That would make his case, which is about whether he can be held for years without a hearing, impossible to review. "The Constitution does not guarantee litigants the most effective means of judicial review for every type of claim they want to raise," Justice Thomas wrote.

Finally, the entire conceptual edifice of U.S. immigration law regards "aliens" as not entitled to the same rights as citizens. Generally speaking, the Constitution applies to "all persons within the territory of the United States," not just citizens. The court has ruled in 1896, 1973, 1982, and 2001 that that specifically includes those whose residence here is "unlawful, involuntary or transitory."

But in practice, the extent of those rights is often limited.

Last month, for example, the 9th Circuit Court of Appeals—which Donald Trump has singled out for opprobrium—ruled that children illegally brought to the United States by their parents have no right to a court-appointed lawyer, a right all common criminals enjoy.

The Trump administration wants to go even further. In *Jennings*, the Trump administration argued that, legally speaking, aliens and asylum seekers never actually enter U.S. territory until they're approved to enter. In a novel legal fiction that defies consensual reality, the administration is arguing that immigrants are not really here.

"This last-mentioned statement is, of course, false," wrote Justice Breyer in dissent, and neither he nor the court agreed with it. But it does signal how this administration regards undocumented people (or "illegals" or "aliens" or whatever): as not entitled to any of the Constitution's protections whatsoever, due process among them.

Even though the Supreme Court has repeatedly rejected this view, it is a commonplace opinion on the right: Rush Limbaugh, Laura Ingraham, and Sean Hannity have all stated that "illegals" have no rights at all. Now, in part, it is Trump administration policy.

Which means this fight is only going to intensify. *Jennings* was widely read as striking down a detained immigrant's right to a bail hearing, but that's not quite true. Actually, the (conservative) majority simply held that the statute doesn't provide such a hearing. The constitution might—and that, and dozens of contested rights like it, will surely be litigated in cases to come.

In the meantime, consider the lives of Rodriguez, Ragbir, Urbina-Contreras, Querales, Jamal, and thousands of people like them. While courts debate how many rights they're allowed to enjoy, they are languishing in administrative detention or uncertain circumstances while a separate and unequal system of justice determines their fates.

This is actually happening. In this country, there is only due process for some.

CRIMINAL INVESTIGATIONS

Trump Targets MS-13, A Violent Menace, If Not The One He Portrays

By Ron Nixon, Liz Robbins And Katie Benner

New York Times, March 1, 2018

WASHINGTON — Early in his term, Attorney General Jeff Sessions instructed his top investigative deputies to target the transnational gang MS-13 as a priority. A year later, drug task forces have new powers to fight MS-13, more federal prosecutors are pursuing charges against the street gang with ties to El Salvador and foreign allies have been enlisted to capture its members.

Few dispute the violent menace that MS-13 is to pockets of communities across the United States. Its members yield machetes, kill with abandon and terrorize — for the most part — immigrant communities.

But law enforcement officials at local, state and federal levels describe the Trump administration's hard-charging campaign against MS-13 as out of proportion with the threat.

President Trump has seized on the gang's brutality and violence to symbolize the risks of illegal immigration.

Not all members of MS-13, or Mara Salvatrucha, are illegal immigrants. Nor does the gang survive on the global trafficking of drugs, guns or people.

Police and prosecutors in areas where MS-13 is most active said the heightened focus on the gang has come at the expense of fighting more widespread threats to the United States, particularly opioids and human trafficking.

At a meeting with Mr. Sessions last March, Chuck Rosenberg, then the acting head of the Drug Enforcement Administration, said it made little sense to focus on MS-13 over more dangerous organizations. He refused to commit more resources to combating the gang, according to two people familiar with the private meeting. Mr. Rosenberg has since left the Trump administration.

"MS-13 is certainly a threat, just not the one the president is making it out to be," said Tom Manger, the police chief in Montgomery County, Md., a Washington suburb where the gang has one of its largest concentrations. Police there dealt with only four MS-13-related police incidents last year — but a total of five homicides — compared with zero in 2013.

"They are a local public safety threat, but they are not a national security threat," Chief Manger said.

Formed in central Los Angeles by Salvadoran refugees fleeing a civil war in the 1980s, the gang is believed to have 10,000 members in 40 states, according to the F.B.I. — but predominantly in just three metropolitan areas: Los Angeles, Long Island in New York and the region outside Washington. Most of its 30,000 other members live in Central America or Mexico, according to authorities.

In his State of the Union speech in January, Mr. Trump said MS-13 members exploited immigration laws to move to Long Island and, ultimately, kill Kayla Cuevas, 16, and Nisa Mickens, 15. The girls were beaten with baseball bats and sliced by machetes in a suburban cul-de-sac near an elementary school parking lot in September 2016.

Mr. Trump brought their parents to the speech and asked them to stand, as if to exhibit the reason for his immigration crackdown.

MS-13 operates in loose local cliques, sowing fear and violence. It is not a sophisticated global drug cartel, and many gang members are destitute.

Interviews with dozens of law enforcement and intelligence officials, and a review of documents, indicate that the gang dabbles in small-time drug dealing, gun sales, prostitution and extortion, with some members receiving just enough money to get by.

In one case, the suspected leader of one the largest MS-13 cliques in Maryland recently canceled a drug deal because he did not have enough money to pay for gas to drive to the drop-off point, according to a law enforcement official in the state.

The Trump administration is not the first to target MS-13.

President George W. Bush set up an F.B.I. task force to target MS-13 in 2004, and created the National Gang Intelligence Center in 2005. MS-13 became the first street gang to be designated by the government as a transnational criminal organization when President Barack Obama did so in 2012.

Mr. Sessions has compared MS-13 to Colombian drug cartels and the Mafia. The gang is now a top target of the Justice Department's Organized Crime Drug Enforcement Task Force, which has historically focused on major drug traffickers and money launderers with its annual \$500 million budget. The department's budget proposal for next year also requests \$400,000 for a "sensitive investigative unit" to address transnational threats from El Salvador.

The United States and foreign allies have issued charges against 4,000 members of MS-13, Mr. Sessions said earlier this month. In December, he announced 40 new assistant United States attorney positions across the country to fight MS-13 and other gangs, including two on Long Island and three in Maryland.

One official at a United States attorney's office, speaking on condition of anonymity, said he was troubled by new pressure to prosecute MS-13 cases, given skyrocketing opioid crimes and a growing national human trafficking problem.

Even so, the number of federal prosecutions against MS-13 in the United States is limited. Only 11 cases were brought between October 2016 and September 2017, according to data provided by the Justice Department. Since then, prosecutors have opened another 13 cases.

This week, Mr. Sessions told state attorneys general he wanted to work with them in local prosecutions against MS-13. "We're coming after MS-13. We want to hammer them," he said on Tuesday.

Meanwhile, Immigration and Customs Enforcement investigators arrested 796 suspected members of MS-13 last year, up from 429 in 2016. The agency said it also deported about 5,300 suspected members of all gangs over that same period of time, up from 2,000. Over a three-month span last fall, an I.C.E. operation dubbed "Raging Bull," swept up 214 MS-13 members nationwide and arrested an additional 53 in El Salvador.

In New York, F.B.I. agents are arresting members of Trinitario, a Dominican gang, but characterizing them as MS-13 members to inflate their numbers to meet expectations, according to a senior state law enforcement official and a senior F.B.I. official, both of whom spoke on condition of anonymity.

A \$500,000 Justice Department grant promised in October to fight gang violence and gun crime in Suffolk County, N.Y., targeted not only MS-13 but also the Bloods and Crips in its crime analysis. The Long Island county, which applied for the grant, was one of 14 awarded for a total of \$3.375 million. Officials say they have not yet received the grant.

Timothy D. Sini, the Suffolk County district attorney and former police commissioner, said MS-13 "constitutes a significant public safety threat" and was responsible for 17 murders in 15 months in that area of Long Island.

"With that said," Mr. Sini said, "the No. 1 public health and safety issue facing Suffolk County, as in other communities, is the drug epidemic. And this drug epidemic is a moving target." He said opioid overdoses killed more than 300 people in Suffolk County last year, compared with six deaths linked to MS-13.

A two-year uptick in violent activity converged with the arrival of more than 4,700 school-age minors in Suffolk County since 2013. Many of the children were fleeing gang violence in their native El Salvador or Honduras, and, after entering the country, most often applied for asylum, or the protection known as Special Immigrant Juvenile Status.

Last March, federal authorities charged 13 young adults — including four accused of involvement in the killings of Kayla Cuevas and Nisa Mickens — linked to MS-13 with racketeering and other crimes in Suffolk County. Of the 13, 10 were unauthorized immigrants, federal prosecutors said. Seven had come to the country as unaccompanied minors.

The Trump administration has repeatedly sought to show that immigration programs it is trying to eliminate have allowed MS-13 and other gangs to flourish. It has singled out the nation's diversity lottery system, immigration programs to allow unaccompanied minors to cross the border and deportation protections for people who were brought illegally to the United States as children.

Yet the latest numbers do not bear that out. According to Border Patrol apprehension statistics published in

December, the number of MS-13 members caught at the border actually declined to 228 in 2017, from 437 in 2014.

Some law enforcement officials privately fear that the Trump administration's push to eradicate crime by deporting illegal immigrants could backfire.

Immigrants in communities where MS-13 is the strongest may be reluctant to come forward with information to help investigations, fearing deportation themselves. Some fear the government will use MS-13 cases to identify the gang members' relatives and deport them. And MS-13's victims are overwhelmingly immigrants themselves.

"The administration is using MS-13 in Willy Horton-esque campaign ads and as cover to make a boogeyman out of immigration," said Kevin de León, a California state senator. "It is using MS-13 as a pretext to go after hardworking immigrants."

North Jersey Man May Be First Charged Under State's New 'Child Erotica' Law

NJ News, March 1, 2018

A Belleville man is accused of possessing illicit images of children in what is possibly the first case brought under an expanded state law that bans sexually suggestive images of minors, even if the children are clothed, authorities said Thursday.

Anthony Domenick, 25, was arrested after officials with the Essex County Prosecutor's Office, State Police, federal Homeland Security Investigations and township police served a search warrant at his home Wednesday, according to Acting Essex County Prosecutor Robert D. Laurino.

The search was part of an investigation into "possession and distribution of images and videos depicting the sexual abuse of children," Laurino said in a statement.

Domenick was charged with possessing the explicit images and also for having "child erotica," according to the prosecutor.

The revised law, which went into effect Feb. 1, criminalized images that depict children who are partially clothed but where the obvious intent of the image is to "concentrate prurient interest on the child or for sexual gratification," the prosecutor's office said.

Then-Gov. Christie signed the updated law in July 2017 that enhanced penalties for possessing and trafficking in child pornography, and expanded the legal definition of the material. At least a dozen other states have similar laws that close a gap between pornography and sexual images of juveniles.

The updated law criminalized "images that depict nearly naked, suggestively-posed, and inappropriately sexualized children," according to the statute.

Officials said the allegations against Domenick marked the first such case in Essex County. If convicted, he could

face up to 10 years in prison on all counts. It was not immediately clear if he retained an attorney.

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SECRET SERVICE

Man Accused Of Sending Abusive Letters With 'suspicious White Powder' To Trump Jr., Sen. Stabenow

By Lindsey Bever

[Washington Post](#), March 1, 2018

A Massachusetts man has been charged with sending numerous envelopes containing abusive, threatening messages and "suspicious white powder" to Donald Trump Jr. and other public figures, federal authorities said.

Daniel Frisiello was taken into custody by the FBI "without incident" Thursday, Assistant Special Agent in Charge Peter Kowenhoven told reporters in Boston. The 24-year-old from Beverly, Mass., faces five counts of mailing threatening communications and false information and hoaxes, according to a criminal complaint filed in U.S. District Court in Massachusetts.

One envelope, sent last month from Boston to the New York home of the president's son, was filled with a white powder that spilled out "onto the addressee's wife," according to the complaint. Addressed to "DonalD trump Jr.," it included a note that read: "You are an awful, awful person, I am surprised that your father lets you speak on TV. You make the family idiot, Eric, look smart. This is the reason why people hate you, so you are getting what you deserve. So shut the [expletive] up."

Frisiello is also accused of sending racist, vulgar and verbally abusive letters to Sen. Debbie Stabenow (D-Mich.); a Stanford law professor; a federal prosecutor; and soap star-turned-congressional aspirant Antonio Sabato. Each of those envelopes contained white powder as well, though authorities said all of the substances — including that sent to the president's oldest son — were found to be "nonhazardous."

Frisiello's attorney could not immediately be reached for comment on the case.

New York police said last month that a letter containing "an unidentified substance" was mailed to Donald Trump Jr.'s home, and that it was opened by his wife, Vanessa.

She was taken to a hospital as a result, but Trump later said that his wife and children were "safe and unharmed."

He also suggested at the time that the letter may have been motivated by political rancor, writing on Twitter that it was "disgusting that certain individuals choose to express their opposing views with such disturbing behavior."

A spokesperson for Trump did not immediately respond Thursday to a request for comment.

[Threatening letter, suspicious package sent to Donald Trump's son]

An FBI spokeswoman said Frisiello was taken into custody early Thursday on his way to work.

Following his arrest, Frisiello, an employee at the Catholic Charities of Boston's Peabody Child Care Center, was immediately placed on leave, the organization said in a statement. The organization said the FBI advised that the charges did not involve his role at the child-care facility.

The U.S. attorney's office in Massachusetts said Frisiello is accused of sending five envelopes containing "suspicious white powder and a note indicating or implying that the powder was dangerous or intended to cause harm."

Although the criminal complaint said that testing determined the powder was nonhazardous, federal authorities have said that does not make the letters less threatening.

"This investigation should remind people that law enforcement will prioritize finding and charging those who try to cause panic by sending threatening letters containing what looks like dangerous substances," Andrew E. Lelling, U.S. attorney for the District of Massachusetts, said in a statement.

"Beyond terrifying the victims, these incidents caused law enforcement agencies around the country to spend time and money deploying emergency response units," he added. "Thankfully, the white powder in these letters was inert and no one was harmed. This does not change the fact that the defendant allegedly used the internet, the U.S. Mail, and popular fears of biological weapons to threaten and frighten people who did not share his views, and that is something we will prosecute accordingly."

The letter to Stabenow was a foul-mouthed rant that appeared to reference the sentencing hearing for Larry Nassar, the disgraced former USA Gymnastics doctor who was convicted of numerous sex crimes.

A spokesman for the senator declined to comment Thursday to The Washington Post, saying in an email that "to ensure the safety of our staff and constituents, our office doesn't comment on threats or other security matters."

A letter to Stanford University professor Michele Dauber referenced the controversy surrounding Judge Aaron Persky, who handed down what many perceived to be a soft sentence in a sexual assault case against former Stanford swimmer Brock Turner, the complaint said. Dauber has been leading an effort to recall Persky over his handling of the case.

A letter to Nicola Hanna, an interim U.S. attorney in California, named actor Mark Salling, who committed suicide amid a child pornography case, the complaint said.

A letter to Sabato referred to him using a Jewish racial slur and told the former actor he was going to hell, according

to the complaint. Sabato is seeking the Republican nomination to run for the House seat in California's 26th Congressional District.

A Facebook page matching Frisiello's name and mentioned in the court documents is filled with news articles, several of which refer to the subjects discussed in the letters. For instance, as the complaint states, an ABC News story about the powder sent to Trump was shared on the page on Feb. 12.

The Facebook page states that Frisiello is a program assistant at Catholic Charities Archdiocese of Boston. The Catholic Charities of Boston said Thursday in a statement that it is "cooperating fully" with the FBI in the investigation.

Trump 'White Powder' Hoaxer Donated To Democrats While Unemployed

By Thomas Phippen

Daily Caller, March 1, 2018

Daniel Frisiello, the man charged with sending envelopes with white powder to Donald Trump, Jr., donated to Democratic causes and expressed dislike of the president on social media.

Police arrested Frisiello in Beverly, Mass., Thursday in connection with sending five cryptic, threatening but evidently harmless letters to Trump and other figures, including a sitting Democratic senator and a Republican congressional candidate.

All five envelopes also contained a mysterious white substance which reportedly sent Trump's wife, Vanessa, to the hospital after she opened the letter.

"You are an awful, awful person," the note to Trump, postmarked Feb. 7, said. "I am surprised that your father lets you speak on TV. You make the family idiot, Eric [Trump], look smart. This is the reason why people hate you, so you are getting what you deserve. So shut the [expletive] UP!"

Frisiello made one donation of \$75 to Act Blue in April 2016, earmarked for the Massachusetts Democratic State Committee, according to records from the Federal Election Commission. The filing indicates that Frisiello was unemployed at the time.

Frisiello followed a number of progressive causes on Facebook, and according to his public profile, he frequently shared posts critical to President Donald Trump and Republicans, including one meme shared Nov. 7, 2016, the day before the election, which compared Trump to Adolf Hitler. "Called it!" Frisiello commented over the image.

The other powder-filled envelopes Frisiello allegedly sent were addressed to Michigan Democratic Sen. Deborah Stabenow, the U.S. Attorney for California, a professor at Stanford Law School, and Antonio Sabato Jr., who recently announced his candidacy as a Republican for a California congressional district.

"All five envelopes contained a white powder," officials said. "At this point, testing has determined the powder in each envelope to be nonhazardous."

Beverly Man Charged With Threatening Donald Trump Jr.

By Travis Andersen

Boston Globe, March 1, 2018

A quick glance at Daniel Frisiello's Facebook page makes a few things clear: The Catholic Charities worker is a self-identified Democrat, fierce critic of President Trump, and an ardent supporter of gun control, among other causes.

But the 24-year-old Beverly resident allegedly crossed the line last month, mailing threatening hoax letters containing white powder to President Trump's oldest son and four other prominent figures, law enforcement officials said Thursday.

Shortly before 8 a.m. Thursday, FBI agents from the Joint Terrorism Task Force arrested Frisiello at the home he shares with his parents, on federal charges of mailing threats and false information and hoaxes, authorities said at a morning news conference.

Frisiello made an initial appearance in US District Court in Worcester Thursday afternoon and was ordered held pending a probable cause hearing Monday, prosecutors said. Frisiello showed no emotion as he was led into court wearing a red polo shirt with his hands cuffed and ankles shackled. A prosecutor said family members told them Frisiello may be on medications for suicidal thoughts. His lawyer couldn't be reached for comment.

The letter to Donald Trump Jr., postmarked from Boston, generated national headlines last month when his wife opened it at the couple's New York home. She was taken to an area hospital after being exposed to white powder, which investigators determined to be nontoxic.

An affidavit in the case said Frisiello allegedly wrote to Trump Jr., "You are an awful, awful person, I am surprised that your father lets you speak on TV. You make the family idiot, Eric, look smart. This is the reason why people hate you, so you are getting what you deserve. So shut the [expletive] UP!"

Frisiello allegedly sent additional threatening notes containing white powder to the offices of US Senator Deborah Stabenow of Michigan; US Attorney Nicola T. Hanna of the central district of California, Stanford law professor Michele Dauber; and Antonio Sabato Jr., an actor and Republican congressional candidate in California.

While the white powder in each note was deemed nontoxic and no one was hurt, Frisiello's alleged conduct unsettled people and forced a massive, costly law enforcement response as analysts tested the powder and hunted for the suspect, authorities said.

"These kinds of hoaxes may not cause physical harm, but they scare the heck out of people," said Andrew E. Lelling, the US attorney for Massachusetts, during the Thursday morning news conference. "Because most of us recall the anthrax mailings of the early 2000s, when five people were killed."

Lelling said his office would "aggressively prosecute these kinds of cases to deter other people who might be tempted to do the same thing."

He said computer and bank records, social media postings, and even a search of trash outside Frisiello's residence linked him to the threatening messages.

Two of the notes dealt with high-profile child exploitation cases involving serial molester and former USA Gymnastics doctor Larry Nassar and Mark Salling, a former star of the hit television show "Glee" who killed himself while awaiting sentencing in a child pornography case.

In a note sent to Stabenow's district office in Michigan, Frisiello made an apparent reference to her comment that she wished security had been slower in restraining Randy Margraves, the father of three of Nassar's victims who charged at the doctor during a court hearing, records show.

"If you condone Margraves reaction to his daughter's testimony on Dr. Nassar, you are no better than he is," Frisiello wrote, according to the affidavit. "You deserve what is coming to you like he is thinking you're a [expletive] version of a vigilante, do us a favor go [expletive] a [expletive] or better yet."

A spokesman for Stabenow said Thursday that the office doesn't comment on threats, to protect staff and constituents.

The note to Stabenow was postmarked from Boston on Feb. 12. Frisiello had criticized the Democrat on Facebook days earlier for her Margraves remark, writing that he was "embarrassed to be in part of the same party as her."

Frishiello's note to Hanna blasted the prosecutor's office for its work on the Salling case, which resulted in the actor pleading guilty to child pornography possession before he killed himself in January.

"That's for murdering Mark Salling!" Frisiello wrote in the note he mailed to Hanna's office, according to the affidavit. "Hope you end up the same place as Salling."

In addition to his party affiliation, Frisiello identified himself on Facebook as a Catholic Charities employee.

Catholic Charities of Boston said in a statement that Frisiello was placed on leave from his job in their Peabody Child Care Center immediately after his arrest, and that the FBI "has assured us that the charges do not involve any activity in his role" with the organization.

The charity said it conducted "the appropriate background checks" when Frisiello was hired.

He's outspoken online about his beliefs, sharing articles that are critical of the president and his administration, as well

as the NRA, among others. In one Facebook posting last week, he shared an article about companies cutting ties with the NRA, writing above the story, "Oh how karmas a [expletive]!"

Frishiello's note to Dauber, who chairs a California group seeking to recall Judge Aaron Persky, who came under fire for sentencing a former Stanford swimmer to six months in jail for sexual assault, was also hostile, according to the affidavit. A co-worker opened the letter.

"Since you are going to disrobe Persky, I am going to treat you like 'Emily Doe,'" Frishiello wrote, in an apparent reference to suspect Brock Turner's victim, the filing said. "Let's see what kind of sentence I get for being a rich white male."

Dauber said Thursday in a statement that she was relieved authorities had made an arrest.

"Our campaign is not going to be intimidated by threats and personal attacks," Dauber said.

Frishiello's missive to Sabato, meanwhile, contained anti-Semitic slurs, according to the filing.

"You're an awful awful person I am surprised that that olive skin mouth isn't orange," he wrote. "Since you think Obama is still a practicing Muslim that makes you a filthy [expletive]. Since [expletive] like you never change. You and McCain Jr belong together in hell, because that is where you're going not Christian heaven. You know what your party does with [expletive]."

Peter F. Kowenhoven, an assistant special agent in charge of the FBI Boston office, said Thursday that the arrest of Frishiello should give pause to anyone pondering similar actions.

"There are plenty of appropriate, lawful ways to express your opinion and voice your displeasure," he said during the news conference. "But inducing panic and sending what is believed to be a weapon of mass destruction through the mail is not one of them." Material from the Associated Press was used in this report. John R. Ellement and Andy Rosen of the Globe staff contributed to this report. Travis Andersen can be reached at travis.andersen@globe.com. Follow him on Twitter @TAGlobe.

Feds Announce Arrest In Don Jr. Threat Letter Case

By Eli Watkins

CNN, March 1, 2018

Washington (CNN)—A Massachusetts man has been charged after Donald Trump Jr.'s family and others received threatening letters with suspicious powder last month, the US attorney for Massachusetts announced Thursday.

The criminal complaint filed by US Attorney Andrew Lelling's office said Daniel Frishiello, 24, was charged with five counts of mailing a threat and five counts of false information

and hoaxes. The announcement said Frisiello was arrested Thursday morning and is scheduled to appear in federal court in the afternoon.

The complaint said investigators were able to identify Frisiello by tracing a glitter bomb he ordered with his name to one of the people who also received the suspicious powder.

"You are an awful, awful person," court filings accuse Frisiello of writing to President Donald Trump's eldest son. "I am surprised that your father lets you speak on TV. You make the family idiot, Eric, look smart."

Trump Jr. responded to the news Thursday afternoon on Twitter.

"My family and I are incredibly relieved to hear this news. No one should ever have to deal with this kind of sickening behavior. Truly amazing work from the @SecretService and other agencies involved. Thank you all for your dedication to law and order," he tweeted.

My family and I are incredibly relieved to hear this news. No one should ever have to deal with this kind of sickening behavior. Truly amazing work from the @SecretService and other agencies involved. Thank you all for your dedication to law and order. <https://t.co/OROvrSzCp3>— Donald Trump Jr. (@DonaldJTrumpJr) March 1, 2018

His wife, Vanessa, tweeted Thursday night:

"Thank you so much to everyone that helped catch the person who sent the horrifying envelope that I opened up two weeks ago! A special thanks to @SecretService and all the dedicated state & federal agencies in Boston, NYC & around the US!"

The complaint said that in addition to Trump Jr., threatening letters with harmless white powder implicitly posing as something deadly were received by four other people.

A letter to Michigan Democratic Sen. Debbie Stabenow expressed apparent anger at Stabenow for supporting the father of three alleged victims of disgraced USA gymnastics doctor Larry Nassar. The father tried to attack Nassar in the courtroom, and Stabenow said she wished "security had been a little slower."

Thank you so much to everyone that helped catch the person who sent the horrifying envelope that I opened up two weeks ago! A special thanks to @SecretService and all the dedicated state & federal agencies in Boston, NYC & around the US!— Vanessa Trump (@MrsVanessaTrump) March 2, 2018

Another letter to a US attorney referenced a now-deceased defendant in a child pornography case. A fourth envelope was sent to a Stanford law professor trying to recall the California judge who sentenced a Stanford athlete convicted of sexual assault to six months in prison. And a fifth envelope had a message attacking a California Republican actor running for Congress.

The complaint also accuses Frisiello of using an internet prank service to send a glitter bomb to the Stanford professor, and said investigators discovered Frisiello ordered the glitter bomb and tried to send others, including some to the President's family, and that Frisiello posted messages on Facebook similar to messages in the letters. The complaint said investigators found further evidence in Frisiello's trash.

Lelling said in a statement that the powder in all five letters was "inert" and that no one was harmed.

"There are plenty of appropriate, lawful ways, to express your opinion and voice your displeasure, but inducing panic and sending what is believed to be a weapon of mass destruction through the mail is certainly not one of them," Lelling said.

The New York Police Department said last month Vanessa Trump opened an envelope containing a suspicious powder, and Trump Jr. tweeted later that his wife and children were unharmed.

CNN's Tammy Kupperman contributed to this report.

Beverly Man Accused Of Threatening Trump Jr.

By Paul Leighton

Gloucester (MA) Times, March 1, 2018

BEVERLY — A Beverly man is accused of sending at least five letters containing threatening messages and "suspicious white powder" to Donald Trump Jr. and other elected officials, according to an FBI complaint.

The man was identified as Daniel Frisiello, 24, of Beverly.

The FBI's Joint Terrorism Task Force descended on Frisiello's home at 62 Hathaway Ave. on Thursday morning.

Neighbors said they heard a loud explosion, possibly at a power transformer on the street, at around 8 a.m., causing power on the street to go out.

About a minute later, at least four vehicles came down the street and went to 62 Hathaway, said Richard Faille, who lives across the street.

"I heard a big explosion and then these guys came rolling up," Faille said.

Neighbors said an FBI agent told them there was no threat to the area.

Faille said the FBI agents knocked on the door at 62 Hathaway and were let in by one of the residents. Several agents wearing protective vests and FBI JTTF jackets, as well as members of the FBI Evidence Response Team, were seen going in and out carrying bags and various items, including a laptop computer.

FBI spokeswoman Kristen Setera described the raid as "court-authorized activity in connection with an ongoing federal investigation." She would not comment further.

Frisiello will be arraigned later Thursday in U.S. District Court in Worcester.

'Glitter Bomb' Led Investigators To Beverly Man Who Sent Hoax Letters

Boston Herald, March 1, 2018

A Beverly man charged with using powder-stuffed racist, vulgar letters to terrorize the family of President Trump and others was captured this morning after federal sleuths rummaged through his family's garbage and connected him to the purchase of a practical-joke "glitter bomb."

Daniel Frisiello, 24, who U.S. Attorney Andrew E. Lelling said lives in his parents' three-bedroom home on Hathaway Avenue in Beverly, was expected to be arraigned today in U.S. District Court in Worcester on five counts of mailing threats and five counts of false information and hoaxes.

Frisiello's accusers include Vanessa Trump, 40, the wife of President Trump's eldest child Donald Trump Jr.

Lelling told reporters Frisiello shipped five letters last month that authorities are aware of. All were postmarked from Boston.

"The powder was inert, meaning it's not dangerous, but we don't yet know what the powder was in each envelope," Lelling said.

"No one was physically hurt in any of these incidents," he stressed. "There was nothing flashy about this investigative work. It was just good, investigative teamwork by the agencies involved using a combination of new and very old investigative techniques."

Asked if Frisiello had a history of mental illness, Lelling said, "We have some information about the defendant, but not that's public at this time."

Federal agents are searching Frisiello's home this afternoon. Lelling could not immediately confirm or deny whether Frisiello had access to firearms or explosives.

The criminal complaint against Frisiello states the letter to Donald Trump Jr., postmarked Feb. 7, contained the computer-written note, "You are an awful, awful person. I am surprised that your father lets you speak on TV. You make the family idiot, Eric, look smart. This is the reason why people hate you, so you are getting what you deserve. So shut the (expletive) UP!"

If convicted, Frisiello could face up to a decade or more in federal prison.

Said Lelling, "Each envelope contained a threatening message and a white powdery substance. None of these envelopes had return addresses. More specifically, one of the letters was addressed to Donald Trump Jr., the president's son. Mr. Trump's wife opened the envelope, which contained the white powder. She was exposed to it and as a result she was taken to an area hospital for examination."

Peter Kowenhoven, assistant special agent-in-charge of the FBI's Boston offices, said Frisiello was arrested without incident by the FBI's Joint Terrorism Task Force at 7:55 a.m.

Kowenhoven said hoax letters are considered weapons of mass destruction. The FBI responded to 250 white-powder letters nationwide in the past year alone.

"Too much is at stake when dealing with a potential weapon of mass destruction," he said.

In addition to Trump Jr., Frisiello is accused of sending a second letter on Feb. 7 to Nicola Hanna, interim U.S. Attorney for the Central District of California.

"It contained a note about a man that office had previously prosecuted for possession of child pornography. That man later committed suicide. The note in the envelope blamed the U.S. Attorney's Office in Los Angeles for that death," Lelling said. "That letter also contained a white powder, which spilled out when a mailroom employee opened it. There was a hazardous materials response from local law enforcement."

A third letter postmarked Feb. 7 and also containing white powder and a note was received by Stanford University School of Law professor Michele Dauber.

"That note referenced efforts by professor Dauber to recall a California judge who had previously sentenced a student at Stanford to six months on charges of sexual assault instead of the six years the prosecution had been looking for," Lelling said. "The letter was opened by a co-worker of professor Dauber."

A fourth letter, this time postmarked Feb. 12, was addressed to U.S. Sen. Deborah Stabenow of Michigan.

"The letter, opened by a staffer, referenced statements Sen. Stabenow had made about Randy Margraves," Lelling said. "Randy Margraves is the father of three daughters who were sexually assaulted by USA Gymnastics Dr. Larry Nassar. At Nassar's sentencing hearing, Margraves had to be restrained by court security officers. They were afraid he would attack Nassar in court."

"At the time, the press reported that Sen. Stabenow had said she wished the officers had been a little slower in their response restraining Margraves," he said.

The fifth letter, also mailed from Boston Feb. 12, went to congressional candidate Antonio Sabato Jr., a Republican from California.

"That letter contained a note criticizing Sabato for his political views and a white powder that also resulted in a hazardous materials response," Lelling said.

Lelling said federal agents discovered while trying to find a common link between the five alleged victims that Dauber had previously posted on social media that she had received a glitter bomb.

"It's something you can send someone that when you open it, glitter comes out. It's like a prank," Lelling explained. "The message that was sent to professor Dauber in that

glitter bomb matched the message in the letter she had received that contained white powder. Tracing back the payment details for the glitter bomb led to Mr. Frisiello.

"In the trash discarded from the home, among other things, agents found a computer printout that appeared to contain portions of a chart with descriptions of people that matched people who had received the mailings with the white powder," he said. "On top of that, the piece of paper showed that a portion of it had been cut away. We had noticed from the envelopes used for the mailings, the mailing address was — I believe in three instances — a cutout from a piece of paper, as if he had typed it up on a computer, printed it out, and then cut it out and taped it to the envelope and mailed it."

Massachusetts Man Charged In Trump Jr. Hoax Threat Letter

By Nate Raymond

Reuters, March 1, 2018

Full-text stories from Reuters currently cannot be included in this document. You may, however, click the link above to access the story.

Letter With Powder That Sent Vanessa Trump To Hospital Was Also Mailed To Debbie Stabenow

MLive (MI), March 1, 2018

BOSTON — A threatening letter containing suspicious white powder like one that landed Donald Trump Jr.'s wife, Vanessa, in the hospital, was also sent to Michigan Sen. Debbie Stabenow.

The U.S. Department of Justice today, March 1, announced that Daniel Frisiello, 24, of Beverly, Mass. was arrested and charged with five counts of mailing a threat to injure the person of another and five counts of false information and hoaxes.

Frisiello will appear in federal court in Worcester, Mass. later this afternoon.

Vanessa Trump exposed to white powder, sent to hospital

Frisiello's first alleged envelope was addressed to "Donald Trump Jr.," the son of President Trump, and was postmarked in Boston on Feb. 7, 2018.

The letter was opened by Vanessa Trump on Feb. 12. She called 911 and reported she was coughing and felt nauseous. She was briefly hospitalized.

Other letters were sent to U.S. House of Representative candidate Antonio Sabato Jr. of California, Nicola Hanna, an interim U.S. attorney in California and Michele Dauber, a Stanford University law professor. The white substance was found to be nonhazardous.

In each case, an envelope bearing a Boston postmark contained suspicious white powder and a note indicating or

implying that the powder was dangerous or intended to cause harm.

"Beyond terrifying the victims, these incidents caused law enforcement agencies around the country to spend time and money deploying emergency response units," said United States Attorney for the District of Massachusetts Andrew E. Lelling.

"Thankfully, the white powder in these letters was inert and no one was harmed. This does not change the fact that the defendant allegedly used the internet, the U.S. Mail, and popular fears of biological weapons to threaten and frighten people who did not share his views, and that is something we will prosecute accordingly."

If convicted, Frisiello could face prison time. The charge of mailing a threat to injure the person of another includes a sentence of no greater than five years in prison, 10 years in prison for threats addressed to a federal official, three years of supervised release and a fine of \$250,000.

The charge of false information and hoaxes includes a sentence of no greater than five years in prison, three years of supervised release and a fine of \$250,000.

Feds: Man Sent White Powder Letters To Trump Jr., 4 Others

Associated Press, March 1, 2018

WORCESTER, Mass. (AP) — A Massachusetts man was charged Thursday with sending threatening letters with white powder to five people, including one to Donald Trump Jr. that landed his wife, Vanessa, in the hospital.

Daniel Frisiello, 24, was arrested at the Beverly home he shares with his parents and is being held behind bars pending a detention hearing on Monday.

Authorities say Frisiello sent five envelopes early last month filled with profanity-laced letters and white substances, which turned out not to be hazardous.

The letter to the president's son was opened by Vanessa Trump on Feb. 12. She was briefly hospitalized after she called 911 and reported she was coughing and felt nauseous.

The Trump letter included a message that said: "You make the family idiot, Eric, look smart."

"This is the reason why people hate you, so you are getting what you deserve," the message said, according to court documents.

Other recipients were Debbie Stabenow, the Democratic U.S. senator from Michigan; Nicola Hanna, an interim U.S. attorney in California; and Michele Dauber, a Stanford University law professor who has promoted the effort to recall Judge Aaron Persky.

Persky was criticized in 2016 after he sentenced former swimmer Brock Turner to six months in jail for sexually

assaulting an unconscious woman behind a trash bin on campus near a fraternity house.

The message Dauber received said: "Since you are going to disrobe Persky, I am going to treat you like 'Emily Doe.' Let's see what kind of sentencing I get for being a rich white male."

The woman who was sexually assaulted in 2016 was known as Emily Doe to protect her identity.

Another letter containing powder was sent to Antonio Sabato Jr., the Republican former underwear model and soap opera actor who is running for a U.S. House seat in California.

Frisiello showed no emotion as he was led into the federal court in Worcester wearing a red polo shirt with his hands cuffed and ankles shackled.

Assistant U.S. Attorney Scott Garland said family members told officials Frisiello may be on medications for suicidal thoughts. Relatives of Frisiello who were in the courtroom declined to speak to reporters.

Frisiello's attorney said after the hearing that the man has some "issues" and "difficulties" and has been on medication his entire life, but declined to elaborate. His lawyer said Frisiello would plead not guilty.

"I'm optimistic and confident that when all of the facts play out, there will be a very good understanding of what transpired and I'm expecting the best outcome," attorney Scott Gleason said.

Frisiello could face up to 10 years in prison if convicted of mailing a threat to a federal official.

Hoax attacks using white powder play on fears that date to 2001, when letters containing deadly anthrax were mailed to news organizations and the offices of two U.S. senators. Those letters killed five people.

Frisiello worked for Catholic Charities of Boston's Peabody child care center. He was placed on leave immediately after the FBI informed the organization of his arrest, a spokeswoman said.

Duane Anderson, chairman of the Beverly Democratic City Committee, told The Salem News that Frisiello attended its meetings as recently as last month. Anderson said Frisiello was "very quiet" but "always very polite."

Authorities described in an affidavit how they were led to Frisiello.

A "glitter bomb" sent to Dauber contained a message similar to the message contained in the white powder envelope she was sent, the affidavit said.

A "glitter bomb" is a joke in which someone sends an envelope containing glitter to someone else that then spills out and creates a mess upon opening.

The owner of the glitter-bomb company confirmed that the person who ordered it was named Daniel Frisello.

Investigators also went through Frisiello's trash and found discarded paper that still had some similar typewritten threats on it.

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Daniel Frisiello Charged With 'Powder' Letters To Trump Son, Others

NBC News, March 1, 2018

A Massachusetts child-care worker was charged Thursday with sending the threatening letter filled with white powder to Donald Trump Jr. that sent his wife to the hospital — along with four other bizarre letters mailed to a California prosecutor, a law professor, a senator and actor Antonio Sabato Jr.

Daniel Frisiello, 24, was arrested after what prosecutors called "a textbook federal investigation" that traced the unsigned letters to him after he also ordered a "glitter bomb" for one of the recipients, using his own name.

Daniel Frisiello is charged with sending white powder hoax letters to Donald Trump Jr. and others. Daniel Frisiello via Facebook

The powder in the letters was not dangerous. The FBI said Frisiello — who was suspended from his job at Catholic Charities' Peabody Child Care Center — is cooperating. He is charged with mailing threat to injure and false information and hoaxes.

Each letter had a different complaint and referenced recent news events — from the sexual abuse conviction of former gymnastics doctor Larry Nassar to the sexual assault case of former Stanford student Brock Turner.

The letter sent to California U.S. Attorney Nicole Hanna accused her of "murdering" former "Glee" star Mark Salling, who killed himself after being prosecuted for child pornography.

"I hope you end up in the same place as Salling," it said.

Sen. Debbie Stabenow, D-Mich., was targeted because she defended Randall Margraves, a father who charged at Nassar during his sentencing for molesting former patients.

"If you condone Margraves reaction to his daughter's testimony on Dr. Nassar, you are no better than he is," read the letter, which went on to use vulgar language.

The note to Sabato, a supporter of President Donald Trump who is running for a congressional seat, railed at him for his political views.

"I'm surprised that olive skin mouth isn't orange," it said. "You and McCain Jr. belong together in hell, because that is where you're going not Christian heaven."

Stanford Law Professor Michele Dauber's letter referred to her efforts to recall Judge Aaron Persky, who gave

Stanford University student Brock Turner a light sentence for sexual assault.

"Since you are going to disrobe Persky, I am going to treat you like Emily Doe," the letter to Dauber said. "Let's see what kind of sentence I get for being a rich white male."

The letter to Trump Jr. was opened by his wife, Vanessa, at their Manhattan apartment, and she was sent to the hospital as a precaution.

That note said: "You are an awful, awful person. I am surprised that your father lets you speak on TV."

It also said: "You the family idiot. Eric looks smart. This is the reason why people hate you. You are getting what you deserve. So shut the f*** up."

Investigators said that while the letters had no identifying information beyond a Boston postmark, Frisiello left a trail that led right to him.

They discovered that Dauber, the law professor, had also received what's known as a "glitter bomb" that contained the same message as the letter with the white powder. The glitter letter indicated it came from the website www.shipyourenemiesglitter.com, and the company owner confirmed Frisiello had ordered it, according to court documents.

The owner said Frisiello attempted to send another 10 glitter bombs, including some to members of President Trump's family but he declined to process the order because the messages appeared threatening or inappropriate.

Frisiello's Facebook page contained posts about the recipients of the letters, authorities said. The account cited in court papers was still active on Thursday; in the most recent post, Frisiello criticized Prince Harry's fiancée, Meghan Markle, for endorsing the #timesup movement.

Massachusetts Man Arrested For Allegedly Sending White Powder Letter To Trump Jr.

By Ayanna Alexander

[Politico](#), March 1, 2018

A Massachusetts man was arrested Thursday in connection with the mailing of five letters containing suspicious white powder, one of which was opened by President Donald Trump's daughter-in-law.

Daniel Frisiello, 24, was arrested with federal charges of mailing threats to injure and providing false information and hoaxes and is set to appear in federal court in Worcester later Thursday, according to the Department of Justice.

Frisiello allegedly mailed the first letter to Trump's son, Donald Trump Jr., which his wife, Vanessa, opened in February. Vanessa was transported as a precaution to a hospital in New York, shortly after coming in contact with the substance, which the New York Police Department said was nonhazardous.

Authorities said Frisiello referred to Trump Jr. as an "awful person."

"You are an awful, awful person, I am surprised that your father lets you speak on TV," the letter read, according to the Justice Department. "You make the family idiot, Eric, look smart. This is the reason why people hate you, so you are getting what you deserve. So shut the **** UP!"

"Truly disgusting that certain individuals choose to express their opposing views with such disturbing behavior," Trump Jr. tweeted, after the incident.

The suspect also sent the other letters to the Interim United States Attorney for the Central District of California, Democratic U.S. Senator Debbie Stabenow of Michigan, a congressional candidate, and a Stanford law professor.

"Beyond terrifying the victims, these incidents caused law enforcement agencies around the country to spend time and money deploying emergency response units," United States Attorney for the District of Massachusetts Andrew E. Lelling said in a statement. "Thankfully, the white powder in these letters was inert and no one was harmed."

Former CFO Of Grand Prairie Schools Gets 37 Months In Prison After Using Armored Trucks To Steal \$600,000

By Kevin Krause

[Dallas Morning News](#), March 1, 2018

The former chief financial officer of the Grand Prairie school district who used armored trucks to steal more than half a million dollars from the district was sentenced Thursday to 37 months in federal prison.

U.S. District Judge Jane Boyle gave Carolyn Foster, 63, of Lewisville the maximum punishment within the sentencing guidelines. Foster must begin serving her sentence in April.

Boyle said Foster did not show remorse, and she called her conduct "horrendous." She also ordered Foster to pay \$633,302 in restitution.

"I have zero sympathy for you, Ms. Foster," the judge said. "You took advantage of very nice people who trusted you. ... It's just awful."

That came after angry words from Burke Hall, a member of the district's board of trustees, who said the district is "disgusted" by Foster's actions. Hall was joined in the courtroom by a large contingency from the school district.

"The betrayal we feel is immense," said Hall, adding that he was speaking for the entire district and community. "Trust is everything in a public school district."

Hall said city residents might not want to vote for future school district bonds if "they believe our people are skimming off the top." He said the district needs every bit of its money because of a socioeconomically disadvantaged student body.

"Please help us get our trust back," Hall told Boyle.

Foster pleaded guilty in April 2017 to federal program theft in connection with the missing \$600,000.

Foster was arrested in 2016 in Richardson at a charter school where she was working at the time. Foster said she was allowed to retire from the Grand Prairie school district in August 2015.

The theft was discovered immediately after her departure when two district accountants went to the director of finance, Ray Wilks, with their concerns about how Foster had handled cash, district officials have said.

In brief remarks, Foster apologized for her actions and asked Boyle for mercy.

"I was not myself during that time," Foster said.

Her attorney, Erin Brennan, said Foster is a first-time offender who suffered from untreated depression all her life and who was once married to an abusive, alcoholic man. She said Foster's thefts began in 2014 around the time her brother died. Five months later, his son committed suicide, Brennan said.

"She's otherwise led this upstanding life," Brennan said.

But Assistant U.S. Attorney Nicole Dana said Foster is a well-educated woman who abused her position at the school district over a period of a year.

"This was not a lapse in judgment," Dana said.

After discovering the thefts, in increments of \$100,000, the school district notified Grand Prairie police, who turned the theft case over to the Secret Service, authorities say.

As CFO, Foster was responsible for ordering cash for the district for various occasions. Foster, who made \$149,500 a year, used her position to access cash in a vault in the administration building that was meant for awards to teachers, among other things, Grand Prairie Superintendent Susan Simpson Hull said after her arrest.

The thefts also involved money withdrawn from district bank accounts and delivered by armored trucks to district offices.

Foster, who is a CPA, told finance department employees that the money was for awards to teachers, school supplies and lawsuit settlements, though there were no such lawsuits on record, Hull said.

The superintendent said Foster changed district financial procedures to quietly steal the money. Hull in 2016 called the theft "a reprehensible act of selfishness and greed."

A school district audit released just before Foster left the district revealed a lack of controls that "allowed a trusted employee of the district's management to order large sums of cash without secondary approval or notification being sent immediately to a secondary contact at the district."

Hull said in 2016 that the school district put new procedures in place that included multiple backups to prevent any one person, despite their position, from accessing district money. The district also added two floor-bolted digital-

combination safes to hold any district cash-on-hand funds at the district headquarters.

Former Grand Prairie ISD chief accused of using armored trucks to steal \$600,000 from district

Foster emerged last month from Chapter 13 bankruptcy, court records show. She listed about \$3,700 in monthly pension or retirement income as well as a \$38,000 debt to the IRS. Her assets came to \$309,000, and she listed \$411,380 in liabilities, records show.

Foster previously worked for the Jasper school district for 19 years.

After Boyle issued the sentence, Brennan said she wanted to add something given all the talk about violating the public trust. Brennan told Boyle that Hull, the current superintendent, is under investigation herself.

That prompted a rumbling of disapproval from the school district's representatives, none of whom wanted to comment about it after the hearing. The prosecutor, a Grand Prairie police detective and a Secret Service agent also said they had no comment.

Hull could not be reached late Thursday.

Brennan declined to elaborate after the hearing. The Dallas Morning News reported in June that the school board hired an attorney to look into practices involved in the purchase and renovations on a school district-owned home where Hull lives.

Grand Prairie board hires attorney to examine renovation expenditures at superintendent's home

Woman Who Crashed Van At White House And Said Her Fiance Lived There Found Unfit To Stand Trial

By Keith L. Alexander And Spencer S. Hsu

Washington Post, March 1, 2018

A Tennessee woman who police said attempted to drive her vehicle through a White House barricade believed her fiance and four children were being housed at the executive mansion and had stopped taking her psychiatric medication, according to court documents and a government evaluation.

Jessica Ford, 35, of La Vergne, Tenn., was ordered held Thursday by U.S. Magistrate Judge Robin M. Meriweather and directed to undergo a full, 30-day psychiatric evaluation after being found incompetent to stand trial by an initial screening, the U.S. Attorney's Office for the District said.

Ford has been indicted on three federal charges of damaging federal property and engaging in violence against a residence of the president and impeding officers while using a deadly or dangerous weapon.

She was arrested by U.S. Secret Service officers shortly after the 2:45 p.m. Friday incident, in which she is

accused of deliberately crashing her white Chevrolet van into a barricade at least three times at 17th and E streets NW. In court documents, authorities said Ford was behind the wheel and pressed the accelerator until her tires smoked and held what appeared to be a Beretta 9mm pistol but later was found to be an unloaded Daisy Powerline Model 340 BB gun.

Ford refused officers' orders to drop the gun before one reached through the driver's side window and removed it from her hands, according to court documents. Officers then pulled her out through the window and arrested her, authorities said.

Prosecutors said Ford was arrested three times last year, on April 16, May 16 and July 6, and charged with unlawful entry or violating a court order to stay away from the White House, including by attempting to scale its security barriers. Ford received counseling and a 90-day suspended jail sentence in one case, a 30-day suspended sentence in another and another charge that was dismissed, records indicated.

At an initial appearance at D.C. Superior Court on Saturday, Ford listed her address as the White House and yelled, "My fiance is the president."

She then yelled: "I haven't seen my children in six years. What would you do? I just want my kids back."

A D.C. psychologist who examined Ford found her incompetent to stand trial after a 24-hour examination, based on her "impaired rational understanding and ability to assist counsel," prosecutors said.

Teresa Grant wrote that Ford stopped taking psychiatric medication prescribed to her a month ago, causing symptoms to return, according to the report obtained by The Washington Post. Ford told a social worker that she was aware that she is delusional but "continues to struggle" with believing her fiance and four children live in the Trump White House.

Ford said four children living with her mother in Tennessee were "actors" and that her actual children were "swapped out by her fiance who is the most powerful man in the world," Grant said in the report.

Prosecutors sought and Meriweather ordered Ford held for a 30-day evaluation by the U.S. Bureau of Prisons.

EMERGENCY RESPONSE

Nor'easter, Life-threatening Flooding To Sweep East Coast

By Sarah Betancourt

Associated Press, March 1, 2018

BOSTON (AP) – Airlines, officials and residents braced Thursday for potentially widespread coastal flooding from a major Nor'easter bearing down on a large swath of the East coast.

Heavy rain, intermittent snow and high winds with gusts exceeding 50 miles per hour are expected as the storm

moves up the Eastern seaboard, beginning in New York and Connecticut on Thursday evening.

Massachusetts Gov. Charlie Baker activated 200 National Guard members to help with the storm. "We're expecting to see more severe flooding issues here than we did in the Jan. 4 storm," when a Nor'easter lashed the region with heavy snow and rain, he said.

Locals were taking matters into their own hands. In Duxbury, south of Boston, officials urged residents to evacuate as soon as possible, and the fire department was preparing to use a high water rescue vehicle for the first time to help any residents who wind up stuck in homes during high floodwaters.

Michelle Shaffer, 45, of the coastal Massachusetts town of Hull, lost her appliances under 5 feet of water during the last big storm.

"I have a new washer, and my boyfriend just built a wooden platform for it. We got a couple of sump pumps," said Shaffer, who planned to evacuate to high ground Thursday night. "This storm is going to be worse because it's going over three high tides," she said.

The Coast Guard advised boaters to exercise "vigilance and extreme caution."

In New Jersey, officials worried that the storm could take a chunk out of beaches just south of Atlantic City that are still being repaired because of damage from previous storms.

Across the East Coast, authorities told residents of coastal communities to be prepared to evacuate if necessary in advance of Friday morning's high tide. The National Weather Service said all of Rhode Island was under flood and high wind watches from Friday through Sunday morning.

Airlines were making their own preparations. Delta, Southwest, JetBlue, and American Airlines were allowing travelers to change their Friday and Saturday flights ahead of time to avoid delays and cancellations at key airports across the Northeast.

Regional power utilities said they had extra crews on standby to deal with expected outages.

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Nor'easter A 'Life And Death' Situation With High Winds For Almost All Of East Coast

By Doyle Rice

USA Today, March 1, 2018

March will roar in like a lion in the Mid-Atlantic and Northeast on Friday and Saturday as a potent storm delivers a ferocious mix of howling winds, drenching rain, heavy snow and powerful waves.

Power outages, coastal flooding, damaging wind gusts and flight delays are all likely as the nor'easter explodes off the New England coast.

"Please take this storm seriously," the National Weather Service in Boston said in a statement. "For those living along the coast, this is a LIFE & DEATH situation."

High wind warnings and watches are in effect all the way from northern Georgia to southern Maine, a distance of about 900 miles.

The worst of the wind and coastal flooding will hit from eastern Massachusetts to southern Maine, AccuWeather meteorologist Brett Anderson said. Hurricane-force wind gusts of 75 mph are possible, the National Weather Service said.

Massachusetts Gov. Charlie Baker activated 200 National Guard members to help with the storm, the Associated Press reported.

"We're expecting to see more severe flooding issues here than we did in the Jan. 4 storm," when a Nor'easter lashed the region with heavy snow and rain, he told the AP.

"There will be the potential for severe damage to homes and other structures close to the water from the combination of high water and severe wave action," said Weather Channel winter weather expert Tom Niziol.

Winds are likely to be strong enough to lead to major airline delays from Chicago to Boston, and airlines waived change fees.

The storm is expected to undergo explosive development known as bombogenesis, which is a rapid drop in atmospheric pressure of 24 millibars or more in a period of 24 hours or less, the Weather Channel said.

"This 'bomb cyclone' wind field is larger than most Category 1 hurricanes, with winds to match," Meteorologist Ryan Maue of weather.us said.

The storm will be the most powerful to hit the East since January's bomb cyclone, AccuWeather said.

All along the East Coast, authorities told residents of coastal communities to be prepared to evacuate if necessary in advance of Friday morning's high tide, the Associated Press said.

Up to 2 feet of heavy, wet snow could bury portions of New York and Pennsylvania. Strong winds are likely Friday afternoon and evening, and whiteout conditions are possible, the weather service said. Blizzard conditions are possible in portions of eastern Pennsylvania.

The Weather Channel named the system Winter Storm Riley.

Another storm could follow on its heels: "Unfortunately, there is increasing potential for another major coastal storm by the middle of next week," the weather service said.

The West is also getting in on the wild weather action. A separate strong storm will bring snow and rain to the western USA later Thursday and into Friday.

Authorities warned motorists to stay off Northern California mountain roads. The storm was forecast to bring heavy snowfall, powerful winds and torrential rains Thursday, the AP said.

"Totals will be measured in feet, and mountain travel will become dangerous," the weather service tweeted. "Travel is highly discouraged."

The forecast says more than 6 six feet of snow will fall in the highest elevations of the Sierra.

In Southern California, a forecast of widespread showers raised concern about flash flooding in areas burned by wildfires, the AP said.

COAST GUARD

Departing Commandant Lays Out Coast Guard's Successes And Challenges

By Ron Nixon

New York Times, March 1, 2018

WASHINGTON — In his final State of the Coast Guard address on Thursday, Adm. Paul F. Zukunft laid out both the successes in a broad range of activities and the continuing struggles facing the smallest branch of the military.

Admiral Zukunft, the Coast Guard's top official since 2014, said the service was gradually modernizing its aging fleet of ships, taking on a greater role in combating international drug trafficking and, after years of cuts, receiving a budget increase. But, he said, a number of challenges remain for the 227-year-old organization.

Admiral Zukunft said the service would need a 5 percent annualized increase in its budget for operations and maintenance, and at least an additional \$2 billion to make the necessary purchases to modernize its fleet, which still has some ships that are nearly 70 years old.

The Trump administration has requested about \$11.7 billion in funding for the 2019 fiscal year for the Coast Guard, or an 8.4 percent increase over last year's request.

"This puts us on the right trajectory," Admiral Zukunft said. "But we need to maintain the momentum."

Admiral Zukunft, who was appointed by President Barack Obama, will step down as the 25th Coast Guard commandant in June. The Trump administration has not yet named his replacement.

Admiral Zukunft's speech, at the National Press Club in Washington, was also meant to be a reminder of the service's accomplishments.

It plays a crucial role in homeland security, particularly protection of the Southwest border, even as the administration plans to spend \$25 billion on a border wall to combat drug trafficking and illegal immigration. The Coast Guard falls under the jurisdiction of the Department of Homeland Security rather than the Defense Department.

Last year, the Coast Guard seized a record 455,000 pounds of cocaine, some by patrolling waters off the coasts of Colombia and Peru, worth over \$7.2 billion wholesale. It also arrested more than 600 drug traffickers and captured nearly 3,500 people trying to enter the country illegally.

The Coast Guard also rescued nearly 12,000 people after deadly hurricanes hit the East Coast, Puerto Rico and the United States Virgin Islands last year.

"Day in and day out, our men and women employ our broad authorities to ensure the security and prosperity of our nation," Admiral Zukunft said. "They stand ready to respond to any disaster — natural or man-made."

Gil Kerlikowske, a former commissioner of United States Customs and Border Protection, credits the Coast Guard with being on the front lines of the Department of Homeland Security's battle against drug trafficking and a key to protecting the Southern border.

"Admiral Zukunft brought a laserlike focus on drug interdiction," said Mr. Kerlikowske, who worked closely with him during the Obama administration.

The Coast Guard operates simultaneously as a military service, a law enforcement agency and a member of the American intelligence community. Known primarily for its role in search-and-rescue missions, the Coast Guard has in recent years taken on missions around the world that include guarding the president and even cybersecurity.

But for years, the Coast Guard has suffered even as its mission has expanded, in part because of its image as a service that towed ships or searched for people lost at sea. Another issue has been a lack of funding. The Coast Guard does not receive any additional money from Congress for its work in areas such as disaster relief.

The Trump administration, in addition to moving to increase the Coast Guard's budget, has lavished praise on the service.

During a celebration of the Department of Homeland Security's 15th anniversary on Thursday, Vice President Mike Pence singled out the Coast Guard. "The men and women of the Coast Guard have inspired the nation," he said.

But the administration's relationship with the Coast Guard has also been frayed.

The initial Trump White House spending plan would have cut the Coast Guard's funding by 14 percent, or about \$1.3 billion, to help pay for Mr. Trump's border wall. The other military services — the Army, the Air Force, the Navy and the Marine Corps — all saw funding increases.

The administration reversed itself and increased the Coast Guard's budget request to, among other things, build a new Arctic icebreaker for the first time in 40 years as the United States competes with Russia and China in the polar region.

The vessel will not be ready until 2023, however, and will be one of only two such ships that the United States is

operating. By comparison, Russia has 40 icebreakers and 11 more in production.

"Russia has really been asserting itself in the Arctic, and we've been asserting ourselves with paper, with reports," Admiral Zukunft said.

Admiral Zukunft has not been shy about challenging the administration: Last year, when Mr. Trump posted on Twitter his intent to ban transgender troops from serving in the military, Admiral Zukunft said in a speech that same day that he would continue to support transgender troops under his command.

Zukunft: Coast Guard Heavy Icebreaker RFP To Be Released Friday

By Ben Werner

US Naval Institute, March 1, 2018

WASHINGTON, D.C. — The Coast Guard plans to release its request for proposal for the service's new heavy icebreaker on Friday, Commandant Adm. Paul Zukunft said.

Speaking Thursday during his final State of the Coast Guard address, Zukunft said the icebreaker program is part of a funding pivot point, with a \$11.6-billion funding request for Fiscal Year 2019 that will shape the Coast Guard for the next 40 years.

"We are building out the Coast Guard of tomorrow, and to do that we will need 5 percent annualized growth in operations and maintenance account and a \$2-billion floor for acquisitions to continue to do so," Zukunft said.

"It is a small ask, for the smallest armed service whose full appropriation is less than one line item on the appropriations of the other four armed services."

While Zukunft pointed to several achievements during the past year, securing funding for a new heavy icebreaker represents a fundamental shift in how the Coast Guard advances U.S. policy in the Arctic and Antarctic regions.

"We are trusted in the Arctic to preserve our sovereignty over precious oil and minerals, to ensure access to opening shipping routes, and let's not forget, to keep our border secure in a region with an emerging U.S. coastline and mounting Russian footprint," Zukunft said.

Currently, the Coast Guard only has one heavy icebreaker, USCGC Polar Star (WAGB-10), which was commissioned in 1976 — shortly before Zukunft started his 41-year Coast Guard career after graduating from the U.S. Coast Guard Academy in 1977.

Coast Guard Commandant Adm. Paul Zukunft delivers the 2017 State of the Coast Guard address on March 16, 2017. US Coast Guard photo

If Polar Star has a major system failure, Zukunft said, the U.S. does not have the capability to recover the vessel. The Coast Guard plans to build three heavy and three

medium icebreakers, with the first heavy icebreaker joining the fleet by 2023.

"This isn't just a request, but the funding is there to match," Zukunft said.

"We've been working this for 20 years now, and we're finally on the threshold of getting out of the starting blocks."

Five builders are expected to submit proposals, based on the 1,700-page request the Coast Guard developed. Some of the ship's design is intended to incorporate an open architecture design philosophy to ease the addition of future systems and capabilities.

The heavy icebreaker was the highlight of Zukunft's address, but the project is really a high-profile example of the hard sell needed to push for increased Coast Guard funding.

"I directed my senior leaders to abandon the do-or-die suicide squeeze bunt stance when it comes to building our budget and approach the plate by swinging for the fences," he said. "Seize the initiative."

The FY 2019 budget request of \$11.6 billion is a 7-percent increase from the \$10.7 billion request a year earlier – and that FY 2018 budget request was only a mere \$2-million bump from 2017. The increased funding, Zukunft said, puts the Coast Guard "on the cusp of making a major dent in our infrastructure backlog – a list that had swollen to over \$1.6 billion worth of necessary projects; a sum that would have taken well over a decade to buy down based on past funding levels."

Zukunft said congressional investment in the service yielded great positive results. In 2017, the Coast Guard enabled the safe navigation of inland waterways, which helped facilitate more than \$4.5 trillion of commerce. During hurricane season, nearly 3,000 Coast Guard personnel and more than 200 helicopters, cutters, small boats and fixed-wing aircraft saved more than 12,000 Americans.

More than 47,000 pounds of cocaine worth over \$721 million seized in 23 different drug operations in the Eastern Pacific by U.S. Coast Guard and Royal Canadian Navy forces was turned over to federal agents in San Diego, Jan. 25, 2018. US Coast Guard Photo

In 2017, the Coast Guard seized more \$7.2 billion worth of cocaine and referred 606 smugglers to the U.S. Department of Justice for prosecution, a hit to transnational criminal organizations that Zukunft said "raise havoc and stir civil disorder in the Western Hemisphere."

Next month, the Coast Guard will work with Mexican and Colombian naval forces to start a combined anti-drug operation, the commandant said, with the hope of eventually creating a more permanent combined task force.

"I've got a dozen ships right now in the Eastern Pacific. In the last five nights in a row, we've confiscated nearly two tons of cocaine. Five nights in a row. Not one night. Nearly 10 tons in less than a week. Despite all of that, more gets

through. We don't have enough. The United States can't do this alone."

Guard Commandant Adm. Paul Zukunft Delivers His Final State Of The Coast Guard Address

Coast Guard News, March 1, 2018

WASHINGTON — Adm. Paul Zukunft, commandant of the U.S. Coast Guard, delivered the State of the Coast Guard Address Thursday at the National Press Club in Washington, D.C.

This was Zukunft's final State of the Coast Guard Address, as he will retire June 1, following the Commandant's Change of Command.

The commandant highlighted achievements of the Coast Guard's workforce during the 2017 hurricane season, one of the nation's most catastrophic on record. During three back-to-back storms, the men and women of the Coast Guard saved nearly 12,000 Americans. Among those impacted by the hurricanes, he said, were 700 Coast Guard families who lost their homes in the storms.

Zukunft also called attention to the Coast Guard's work protecting the homeland, describing the service's work in interdicting \$7.2 billion worth of cocaine on the seas before it could reach the shores of the U.S. He also mentioned the Coast Guard referred 606 smugglers to the U.S. Department of Justice in the last fiscal year and how evidence the service obtained during these counter-narcotic operations helped our partners at the Drug Enforcement Administration, the Federal Bureau of Investigation and Homeland Security Investigations disrupt transnational criminal networks, illustrating how our whole-of-government approach advances security and prosperity for the nation.

The commandant also announced the Sexual Assault Prevention and Recovery Strategic Plan will include a specific focus on victim recovery, saying that while he requires every senior member of the service to emulate a culture of respect, "every single one of us shares this quintessential responsibility."

US Coast Guard To Release New Heavy Icebreaker RFP

By David Larter

Defense News, March 1, 2018

"We need the first one in the water by 2023 so we are on an accelerated timeline," Zukunft told a group of reporters. "We are still predecisional on the '19 budget. But we're optimistic that this isn't just a request, but that the funding is there to match it. Now, this is just the first one, we're looking at a fleet of six, but this gets the ball rolling. We've been working this for 20 years now, but we're getting out the the starting blocks and we need to sprint."

The Coast Guard is looking to build a fleet of three heavy and three medium icebreakers in the coming years.

Zukunft also left open the possibility that the Icebreaker will need to be armed to counter Russia's increasing presence in the region.

"We need to build some modularity into this; so maybe you don't need it up front, but one example is: We need to weaponize the heavy icebreaker," Zukunft explained. "As you look at what is Russia's intent in the Arctic, are they going to oppose U.S. presence in the Arctic? Can we use another tool other than submarines? Do we need some surface assets? And right now the only thing we have that can operate in an ice environment other than submarines will be these icebreakers."

The Coast Guard's one remaining active icebreaker, the Polar Star, was commissioned in 1976 and requires near constant maintenance to keep it running. The service estimates it can get five more years out of it, which has created an intense timeline to design and build its replacement.

CYBER NEWS

Making The Case (again) For Renaming NPPD – FCW

By Mark Rockwell

Federal Computer Week, March 1, 2018

Christopher Krebs, the senior official performing the duties of undersecretary at NPPD, is one of several executives arguing for a long-sought reorganization.

The long-sought name change and reorganization of the Department of Homeland Security's National Protection and Programs Directorate would give it a crucial foot in the door not only with cybersecurity issues, but on a converging and emerging physical threats as well, according to the agency's leadership.

"NPPD is helping to lead the charge on soft-target security preparedness," DHS Secretary Kirstjen Nielsen said in a March 1 speech at the agency's Critical Infrastructure Summit. Terrorists and violent criminals have become fixated on soft targets such as large gatherings, public events and locations because they can maximize their anticipated damage, she said.

NPPD, Nielsen said, is the fulcrum for many of the agency's resources to help prevent such attacks, providing information and programs for awareness, prevention and mitigation for local communities, governments and law enforcement.

It is also the focal point for DHS efforts to help protect the sprawling 16 critical infrastructure areas – including electrical grids, financial systems, water systems and the recently added election systems – from cyberattack.

The DHS authorization bill that could be considered by the Senate next week will include a measure, proposed and passed in the House, to reorganize and rename NPPD as the Cybersecurity and Infrastructure Agency. DHS officials have said the new name is much more understandable for the public and the critical infrastructure industries it works with. The proposal also would allow DHS to exercise key cybersecurity authorities and establish an agency within DHS to focus on cyber and infrastructure security.

In his remarks at the summit, Christopher Krebs, senior official performing the duties of undersecretary at the directorate, said the name NPPD makes the directorate's work harder.

The name, he said, didn't help as the agency moved to designate state election systems as national critical infrastructure in the last days of the Obama administration.

"We learned that very clearly last year with the election infrastructure subsector," said Krebs, as he welcomed election industry coordinating council members to their first DHS infrastructure summit.

"First and foremost, it will put a sign on the door describing what it is we do," said Krebs of the new name. Despite the directorate's work with infrastructure providers over the last 10 years to protect their facilities, "there are still stakeholders out there that don't know who we are or what we do."

DHS Pushes Cybersecurity Risk Assessment Program For Critical Infrastructure Companies

CyberScoop, March 1, 2018

Secretary of Homeland Security Kirstjen Nielsen is pitching a new supply chain cybersecurity program in an effort to engage with some of the country's largest critical infrastructure providers, including the oil, electric and water treatment industries.

"Our nation's supply chain is being targeted by our most sophisticated adversaries with increasing regularity," Nielsen said Thursday to a room full of people representing private sector companies. "We ask for you to work with us on this initiative ... the goal of this initiative is to help stakeholders make better informed procurement decisions by providing them with supply chain risk assessment and mitigation recommendations."

The program is focused on DHS authoring and providing digital risk assessments to companies and government agencies about products that they may acquire or install on their systems. The move comes after the federal government banned the use of Moscow-based Kaspersky Labs' anti-virus software across government systems. In addition, legislation has been introduced that would similarly ban products made by Chinese tech firms Huawei and ZTE in federal agencies.

"As our cyber dependence increases and the connectivity of our networks and assets and data continue to grow, your risk — each of you individually in this room, each of your entities' risk—

becomes my risk," Nielsen said at the small, private event in Virginia. "Government and industry must work together today more than ever if we are serious about improving our collective defense. This is a context and environment in which if we prepare individuals then we will all fail collectively."

Nielsen explained the program is still in its "early stages." It was originally announced last week by Jeanette Manfra, assistant secretary for the Office of Cybersecurity and Communications at DHS, who spoke about the program at the Brookings Institute.

"We can't just all throw up our hands and say, 'It's too complicated, I'll never know where the code is coming from.' At some point we will know; we can figure it out — collectively," Manfra said on Feb. 24. "We're working on building those mechanisms and DHS's role in pulling that altogether, and also working with industry experts to refine what are the supply chain risks that we should be concerned about."

In practice, the assessments will be measured against existing standards already created by the National Institute of Standards and Technology (NIST). Comparing these standards to each product's computer code will be just one aspect of each available report.

It remains unclear how many companies have or are currently participating in the initiative, which was formally launched earlier this year by the National Protection and Programs Directorate (NPPD).

"We plan to continue to reach out to you and to other in industry to help us refine the scope of this issue," Nielsen told the crowd.

Secretary Nielsen Says DHS Will Produce 'Set Of Priorities' On The Security Of Critical Infrastructure

Inside Cybersecurity, March 1, 2018

The Department of Homeland Security, in partnership with its critical infrastructure councils, will issue a "new set of priorities" to increase security sometime this spring, DHS Secretary Kirstjen Nielsen announced at an event today.

"These priorities are intended to identify the most important set of activities we can take as a country to advance critical infrastructure security and resilience and to guide the work of CIPAC in the next four years," Nielsen said at the DHS Critical Infrastructure Partnership Advisory...

1 State? 7 States? Uncertainty Persists About Russian Cyberattacks On U.S. Election : NPR

NPR, March 1, 2018

Even as Americans begin voting in the earliest 2018 midterm primaries, the public still doesn't have solid answers about what happened to its election systems in 2016.

Instead it has conflicting accounts and official denials.

The latest example this week came from the Department of Homeland Security, which slammed a report by NBC News that said the intelligence community had evidence in early 2017 to believe Russian operatives compromised more state voter systems in 2016 than previously known. DHS said NBC's story was "factually inaccurate and misleading" and stood by its previous assessment, that just one state, Illinois, had its system breached.

NBC then slammed that response in a subsequent defense of its story, which quoted a former cyber-expert from the Obama administration, Michael Daniel, who said that when he was in the White House, it believed seven states had been compromised.

What's the real story? How serious were the Russian cyberattacks across the United States?

"We simply don't have enough information unfortunately because nobody is going past these one-line statements that are obscure or obtuse [at best]," said Mark Nunnikhoven, a vice president at the cybersecurity company Trend Micro.

In a written statement to NPR, Daniel declined to specify the number of states he believed had their systems compromised. He did, however, seem to offer a justification for why intelligence that officials had in early 2017 could have pointed to a different conclusion than DHS officials are drawing now.

"Since [January 2017], there have been numerous factual developments resulting from the various ongoing investigations related to Russian election interference," Daniel said. "The most important consideration is that the threat to electoral systems remains, and we need to continue to improve the security of such systems."

Government agencies probably have more detail than they've revealed about the attacks launched by Russia's military GRU intelligence agencies and other cyberaggressors over the past two years.

One clue about that was in a leaked National Security Agency report that laid out how Russian hackers targeted a specific elections vendor in Florida. Another was in the indictment released by Justice Department special counsel Robert Mueller charging 13 Russians and three Russian entities with using social media to amplify controversy within the United States.

On Tuesday, NSA Director Adm. Mike Rogers told members of Congress he expected that cyberaggression from Russia would continue this year and beyond as part of a strategic objective to shake Americans' faith.

"I believe they're attempting to undermine our institutions," he said.

Unless the government releases more information, however, the back-and-forth will likely continue between press accounts of the attacks and the denials from officialdom. Even the basic numbers quoted since 2016 of the states affected somehow by the cyberattacks have fluctuated all the way up to 50.

Six of the seven states mentioned in the NBC report told NPR that they found no evidence through their own independent reviews that their systems had been compromised. The seventh, Illinois, has been working with DHS since its voter registration system was broken into — though not altered — in the summer of 2016.

Other states said they couldn't corroborate the NBC story.

"After NBC reached out to our office, we contacted our partners in state and federal intelligence and law enforcement," said Jesse Melgar, California's deputy secretary of state. "None of them could corroborate NBC's claims nor has NBC provided any evidence to support their assertions."

All seven states were on the list of 21 states that DHS had previously said were probed, or scanned, by Russians. Experts liken the scanning process to looking into the window of a locked home without actually opening the window or climbing in.

So could Obama-era officials and people today in the Trump administration look at the same data from 2016 election and reach different conclusions?

Nunnikhoven said intelligence officials may have since either found out more about the events or found out more about the attackers, "so it might be easier to associate certain behaviors."

For now, though, "[Intelligence officials] are leaning a little too far on withholding information as opposed to right out and saying it," Nunnikhoven said. He added, "There needs to be a little more detail so it's far more credible when you hear those reassurances."

DHS says that it's being as forthright as possible and committed to continue building trust with the state officials it is helping. Reports like NBC's, it complained, undermine those bridges it is attempting to build.

Secretaries of state and election directors received a classified briefing from intelligence officials two weeks ago, and DHS is in the process of getting security clearances for officials in every state — efforts meant to mend a rocky relationship, between the intelligence community and the states, that only got rockier when it took more than a year for the states to find out they were scanned by Russians in 2016.

"You want a government that's as transparent as possible but there's always a recognition there are some places where transparency can be counter-productive to

defense or other values," said Kevin Kennedy, who oversaw elections in Wisconsin until June of 2016.

"That's the nature of democracy — that tension."

We're Still Not Really Sure What The Russians Did To Hack Us. That's A Huge Problem.

Huffington Post, March 1, 2018

A NBC News report this week raised considerable concern when it said that intelligence officials had gathered "substantial evidence" that Russian operatives "compromised" systems in seven states leading up to the 2016 election.

Equally alarming was a subsequent dispute over whether that was true.

Six of the seven states in the report denied that their election systems had been compromised. The U.S. Department of Homeland Security released a caustic statement denying that it had evidence seven states were compromised and accusing NBC of inaccurate reporting. Current and former government officials told Reuters they were perplexed by the network's report.

This dispute underscores a broader confusion about how the Russians targeted different states' electoral systems ahead of the 2016 vote and what exactly they did to try to access those systems. This is deeply alarming, cybersecurity experts say, because without the facts, states can't adequately secure their systems and block hackers from entering again.

Since early 2017, federal and state officials have been unanimous in insisting that Russian hackers did not succeed in changing any voter information or votes.

But Candice Hoke, a co-founder of the Center for Cybersecurity and Privacy Protection at Cleveland-Marshall College of Law, said those assurances aren't very comforting given that state officials, the Homeland Security Department and election system vendors all have an incentive to say the systems are secure. Instead of undertaking their own deep audits, she said state officials often turn to the vendors responsible for running the election machines, who then produce an "exculpatory" report.

"The proper response to those platitudes, which is what they are, is to ask 'What steps were taken to assure that the data wasn't changed?'" Hoke said. "It's a very comforting statement to make and I think that public officials want to comfort the public, but we should be asking 'Where's the proof? What actually did you do and on whose recommendation?'"

Cybersecurity experts note that the term "compromised" can cover a range of possibilities, but say that it generally means someone had access to a system. Many election officials believe their specific systems can't be hacked because they aren't connected to the internet, Hoke said.

Experts warn, however, that hackers could have exploited vulnerabilities in other government systems that are connected to the internet to gain access to election systems or election information.

The level of computer security is such that it would be "kind of shocking" if at least some government data weren't accessible to hackers, said Brian Nussbaum, a former intelligence analyst and a professor at SUNY Albany.

President Donald Trump's intelligence chiefs are warning that Russia will likely attempt to interfere in the midterm elections this year, while Democratic lawmakers say the Trump administration isn't doing enough to prevent that. Legislation in Congress has gone nowhere so far. The Department of Homeland Security has taken small steps to improve communication and coordination with states and is offering assistance in evaluating the security of state systems.

But since 2016, communication between Homeland Security and state officials has not been good. It wasn't until September 2017 that the department notified 21 states they had been targeted by Russian hackers. And it wasn't until this February that Homeland Security held its first classified briefing for state officials on election threats in 2018. The department has blamed the delay on the need to get security clearances for election officials, but California Secretary of State Alex Padilla told NBC that's not an acceptable excuse.

Hoke and Nussbaum both said that state election officials need to more fully understand the severity of their vulnerabilities so they can better allocate resources toward improving their systems.

James Norton, a former Homeland Security deputy assistant secretary for legislative affairs in the George W. Bush administration, said the focus should be broadened to securing all state government systems, not just election ones.

"We've definitely spent a year or so, maybe a couple of years identifying all these intrusions and now it's like 'OK, what are the mechanisms put in place to do this?'" he said. "Now we're trying to fix yesterday's problem and the door is kind of open."

Dems Press Trump On Response To Russian Cyber Threat

By Morgan Chalfant

The Hill, March 1, 2018

Democrats are stepping up their charges that the Trump administration is doing nothing to counter Russian hacking and disinformation.

U.S. Cyber Command head Adm. Mike Rogers' disclosure Tuesday that he has not received specific orders from President Trump to disrupt Russian cyberattacks has provoked a new round of outrage from Democrats.

"We're frustrated that this administration has not lived up to its responsibility to do something about the Russians' cyber action," Sen. Elizabeth Warren (D-Mass.) said at the Senate Armed Services Committee hearing.

Reps. Bennie Thompson (D-Miss.) and Robert Brady (D-Pa.) in a statement Tuesday accused Trump of "abdicating his oath of office" by refusing to act on election security.

But while U.S. officials acknowledge that Russia has not been deterred enough to change its behavior, they push back on the idea that the administration has ignored the threat entirely.

"You can't say nothing has been done, but my point would be, it hasn't been enough," Rogers, who also heads the National Security Agency, said Tuesday.

The Democrats' accusations come amid growing suspicion that Russia will look to use cyberattacks and disinformation to interfere in the 2018 midterm elections, something Rogers and other U.S. officials affirmed earlier this month.

Some say the effort to call out the Trump administration for inaction on Russian interference is part of the Democrats' broader strategy against the GOP ahead of the midterms and 2020 election.

"We know two things: One, this is the No. 1 topic that Democrats want to talk about. This puts Trump most on the offensive," said Doug Heye, a former Republican National Committee (RNC) communications director. "Two, they want to make sure his administration is talking about jobs and the tax bill as little as possible."

Trump has provoked criticism from even those in his own party for not confronting Russia over its behavior. He has also drawn the ire of some Republicans for casting doubt on the U.S. intelligence community's conclusion that Russia interfered in the 2016 presidential election in order to help him win against Democratic challenger Hillary Clinton.

The president meanwhile has raged against special counsel Robert Mueller's ongoing investigation, calling allegations of collusion between his campaign and Moscow a "hoax."

Democrats have accused their Republican counterparts of turning a blind eye to the threat.

"We need full accounting for Russia's attacks on the 2016 election," House Minority Leader Nancy Pelosi (D-Calif.) said at a press conference in February, where she unveiled legislation to bolster the security of U.S. election infrastructure. "The president and the House Republicans have done nothing."

Heye, the former GOP operative, acknowledged that the president's refusal to call out Russia over its disruptive behavior has put Republicans in a tough spot.

"We've seen time after time the opportunity to be tough on Putin and the president and the administration failing to do so," Heye said.

Some in Trump's administration have taken steps to understand and protect against the threat of Russian interference going forward.

Homeland Security is deploying officials to several states that have requested rigorous risk and vulnerability assessments of their election infrastructure ahead of the 2018 midterms.

The department has also been working to issue clearances to election officials so they can view sensitive cyber-threat information, though some states have complained that the security clearances have not been issued quickly enough.

Last year, Christopher Wray, Trump's hand-picked FBI director, set up a "foreign influence" unit within the bureau to coordinate with other federal and international entities to understand and mitigate the threat from Russia and other nation states.

Attorney General Jeff Sessions also announced plans just last week to set up a cyber-digital task force to "study" efforts to interfere in U.S. elections and advise him on other cyber threats.

Still, experts say the threat demands a more coordinated, cross-government response.

"It's going to be so hard for the United States government to address this problem because it is so multifaceted," said Kenneth Geers, a former U.S. cyber official currently with the Atlantic Council.

"Because of politics, it may be difficult to fashion a concrete response," Geers said. "You're going to need everybody to be on the same page."

Trump begrudgingly signed legislation approved by Congress last year that imposed new sanctions on Russia, a penalty for the country's meddling in the 2016 election. The State Department in January said it was not immediately implementing the new sanctions, however, arguing the law was already preventing a windfall of cash from flowing to Moscow.

Rogers acknowledged Tuesday that Russia has not suffered repercussions grave enough to deter future interference efforts.

"They haven't paid a price, at least, that has significantly changed their behavior," Rogers said.

Several Democrats called for a more aggressive approach on Tuesday, suggesting the U.S. military's cyber operators should actively stop Russian cyberattacks at their source.

Sen. Bill Nelson (D-Fla.) said he and Democratic colleagues wrote to Defense Secretary James Mattis on Feb. 6 asking him to order U.S. Cyber Command "to prepare to engage Russian cyber operators and disrupt their activities"

against forthcoming elections. Rogers said he has received no such direction, which would have to come from the president himself.

"Essentially, we have not taken on the Russians yet," said Sen. Jack Reed (D-R.I.). "We're watching them intrude in our elections, spread misinformation, become more sophisticated, try to achieve strategic objectives that you have recognized and we're just essentially sitting back and waiting."

But experts caution that the U.S. needs to carefully consider how Washington's response could potentially provoke a more aggressive response from Moscow.

"We do have to hold our breath and be patient and be careful not to overreact to a cyberattack," said Geers. "You could get a military response as a result."

How Mother Russia Can Win U.S. Elections In 2018: A Memo To President Putin

By Steven Strauss

USA Today, March 1, 2018

As you noted in President Trump's performance review, he has done excellent work — for Russia. But let's also acknowledge Republican Senate Majority Leader Mitch McConnell and some others. Without them, we wouldn't have made such progress in destabilizing America.

Before the 2016 election, McConnell blocked efforts to alert Americans about Russia's interference in the election — despite clear evidence from America's non-partisan intelligence community. We need more "patriotic" Americans like McConnell — who aren't overly concerned about Russian interference with America's elections.

Trump once said he could shoot someone on Fifth Avenue and his supporters wouldn't care. Well, Russia could shoot someone in front of the White House and if the victims are Trump opponents, Trump won't care (nor, it seems, will the GOP).

Consequently, I believe Russia can act with impunity. Our 2018 goals therefore should continue and expand upon those of 2016: Create the maximum amount of political chaos in America, while supporting political candidates who are good for Russia (e.g., Trump and the GOP's Trump wing). We should further reshape the GOP into a subservient political party by eliminating Republican politicians more loyal to America than to their partisan agenda. Conveniently, there are very few of those.

Republican Rep. Devin Nunes of California is the model for what we want going forward. When faced with evidence that Russia hacked U.S. email servers (violating hundreds of Americans' privacy), launched a social media campaign to corrupt America's election process, and probed dozens of state voter registration systems (violating millions of Americans' privacy), Nunes attacked the FBI for tracking

Russia's activities. I am curious: Is Nunes on our payroll? Is there kompromat on him? Or can he really be so foolish that he believes our propaganda? In any event, Nunes and Republicans like him are highly useful for us.

In the primaries, we should support Republicans like Nunes, particularly when they face off against Republicans not loyal to Russia. In the general election, we shouldn't hesitate to attack Republican candidates who don't support our interests. Russia is better off with a smaller, more submissive Republican Party, even at the cost of helping some Democrats. As long as defeated Republicans aren't devout Trump loyalists, Trump won't object to their elimination.

Shrinking or eliminating the Republican majority in Congress isn't necessarily bad from our perspective. Without adult supervision, Trump the Very Stable Genius may get us all killed. The Trump administration openly discusses starting a war with North Korea and/or Iran. If conventional wars, they'll be advantageous for us. But if they spiral out of control into a global nuclear war (not impossible with Trump in charge — the man has small hands but a big button to press) this would be bad for us. In some scenarios, it would be better if a Democratic Congress could slow Trump's march to war.

It's imperative that we discredit and halt special counsel Robert Mueller's investigation. His recent indictment of our colleagues shows he's getting too close. We must support (with social media and other measures) demands (from people like Florida Republican Rep. Matt Gaetz) to fire Mueller. We should use our propaganda system to sustain demands from Trump sycophants (such as Lou Dobbs) for a second special counsel to investigate Mueller, the Justice Department, the FBI and Hillary Clinton. We should also amplify Trump's claim that mass shooting tragedies result from the FBI wasting too many resources on the Russia investigation.

To further polarize U.S. politics, we must maximize efforts to exacerbate racial, religious and ethnic tensions in America. Similarly, in Democratic Party primaries, we should promote the most extreme left-wing candidates. Our continued support for third-party candidates (like Jill Stein) will further fracture American politics.

Nearly half of Republicans (aka useful idiots) believe Trump won the popular vote in 2016, despite all evidence to the contrary. We should build on this base of gullible fools, and ratchet up our activities as the 2018 elections approach.

Besides our proven 2016 repertoire, we should seriously consider other techniques, some of which we've used in other countries: eliminating American opponents through assassinations, discrediting our American political opponents by planting damaging material (e.g., child pornography) on their home computers, directly manipulating

vulnerable voting machines, and deleting voter registration files to create long lines and frustration among voters.

American political commentators are saying Trump and the GOP are likely facing electoral reverses. In the best case, Trump will take advantage of the disruption we create to postpone the 2018 elections (claiming that voter fraud and chaotic conditions make fair elections impossible). (One survey showed about half of all Republicans would willingly postpone the 2020 election, if Trump and Republican leaders wanted to do so.) An attempt to postpone this year's elections would probably fail but should cause a firestorm of legal and political challenges that would paralyze America.

Even if the GOP doesn't try to postpone the elections, the Republican Party might disintegrate into opposing factions — GOP candidates we supported vs. those we opposed. Hopefully, the Democratic Party can be similarly destabilized. Democratic candidates benefiting from our attacks on their opponents won't want to delegitimize their victories, and consequently will downplay Russia's involvement.

And we can count on Trump to create a smokescreen of lies (claiming that any major 2018 Democratic victories are due to voter fraud, and that the Russia investigation is fake news) veiling our actions.

The result should be even greater disillusionment among Americans about their government. Ideally, Russia could emerge as kingmaker in American politics — successfully manipulating one weakened political party against another.

Steven Strauss, a member of USA TODAY's Board of Contributors, is a lecturer and visiting professor at Princeton University's Woodrow Wilson School. Follow him on Twitter: @Steven_Strauss.

Ducey Creates Security Team To Combat Cyberattacks Against Arizona

By Yvonne Wingett Sanchez

Arizona Republic, March 1, 2018

As threats of cyberattacks on state data systems increase, Arizona Gov. Doug Ducey is assembling a team tasked with better securing everything from residents' driver license information to health and financial records.

The Republican governor is forming the Arizona Cybersecurity Team through an executive order issued Thursday. The team aims to bolster the state's efforts to combat online intrusions by sharing information and tackling the issue on a unified front, instead of a piecemeal approach that varies by state agency or department.

Ducey's order is consistent with an effort by the National Governors Association to ramp up cybersecurity efforts on a variety of fronts.

It comes two days after NBC News reported the U.S. intelligence community developed "substantial evidence" in 2017 that state websites or voter registration systems in seven states — including Arizona — were compromised.

However, a spokesman for Secretary of State Michelle Reagan said again this week the office has no evidence of cybersecurity breaches.

Tim Roemer, Ducey's public safety adviser and the deputy director of the state Department of Homeland Security, said the team will make officials more comfortable sharing information.

"So many of the biggest data breaches in our nation's history probably could have been avoided if some of those organizations had shared information of what they were seeing with other organizations."

Tim Roemer, Gov. Ducey's public safety adviser

"Information sharing is key when it comes to preventing cybersecurity breaches," he said.

"So many of the biggest data breaches in our nation's history probably could have been avoided if some of those organizations had shared information of what they were seeing with other organizations."

The team will include about two dozen officials and representatives from the Governor's Office, the secretary of state, the attorney general, information technology officials, federal and local-law enforcement officials, and higher-education officials.

The team will regularly update Ducey on cybersecurity issues and determine how to access federal resources to combat threats.

State agency directors "will be held accountable to protect data," the order states.

Already, Republican Attorney General Mark Brnovich is working to advance a bill through the state Legislature that would overhaul the state's data breach statutes.

House Bill 2154 would set a timeline for companies to notify the attorney general, as well as three major consumer reporting agencies when a breach happens.

Ryan Anderson, a spokesman for Brnovich, said the legislation is intended to protect consumers.

"...What the attorney general is saying is that if you're a company, and you lose a consumer's personal information, you have a responsibility to notify that consumer so they can take proper safeguards to protect themselves," Anderson said. "If you don't notify a consumer, or if you try to cover it up, there's going to be legal consequences."

Last June, Nevada's Republican Gov. Brian Sandoval signed a bill to create a cyber "nerve center" to prepare, respond and react to cyber-risks.

In New Mexico, according to the National Governors Association, Republican Gov. Susana Martinez signed a bill that clarified when the National Guard can be used during cyber-related events. And Oregon's Democratic Gov. Kate

Brown signed an executive order last year to unify the state's cybersecurity efforts into one agency.

U.S. Homeland Security Assisting Guam Election Commission

By Clynt Ridgell

Pacific News Center, March 1, 2018

Guam – The U.S. Department of Homeland Security now considers U.S. elections a part of the nation's critical infrastructure. The DHS is now offering the Guam Election commission technical assistance to help with election security.

In fact, GEC Executive Director Maria Pangelinan just returned from a meeting in Washington D.C. where DHS officials briefed election officials on the services they are offering. Pangelinan says Homeland Security is offering assistance with assessing the cyber security and physical security needs of the GEC. Pangelinan says that Guam's election system is relatively safe from cyber-attacks because the system is not internet based and the island no longer uses electronic voting booths. "Across the nation it seems like the trend is to go back to paper ballots. Voters feel safer and more secure with the paper ballots and we're still there and we want to continue to be with the paper ballots," said Pangelinan.

Pangelinan says that if the "Secure Elections and Modernization act is passed in the U.S. congress the GEC could get some federal funding.

Cyber Command Nominee Deflects Questions On Russia

Roll Call (DC), March 1, 2018

The nominee to lead U.S. Cyber Command and the National Security Agency told lawmakers Thursday he would offer options to the president and Defense secretary to respond to Russian hacking of U.S. elections "if directed" to do so.

Lt. Gen. Paul Nakasone, the current head of the Army's Cyber Command, said the decision whether or not to retaliate for Russian disinformation efforts during the 2016 presidential election or to preempt future attempts at election interference is a policy matter for civilian leadership in the executive and legislative branches.

"An overall strategy," Nakasone told the Senate Armed Services Committee, "would emanate from the executive branch. In terms of what the Department of Defense would do, obviously, is plan for certain responses and if directed conduct those activities."

The Trump administration's response — or lack thereof — to Russian interference in the 2016 presidential election has become a contentious issue between Democrats and Republicans on Capitol Hill, with Democrats generally faulting

President Donald Trump for failing to retaliate or take steps to protect future elections.

During a Tuesday hearing before the Senate Armed Services Committee, Adm. Mike Rogers, the outgoing head of the National Security Agency and the commander of U.S. Cyber Command, said he had not been granted the authority by Trump to undermine Russian efforts to interfere with the upcoming U.S. election.

"As Admiral Rogers pointed out, the Russians are conducting these operations as we speak, and we have to do something," ranking member Jack Reed, D-R.I., said on Thursday.

"Unfortunately, the partisan propensity to discredit our president consumed over half of that hearing," Oklahoma Republican Sen. James M. Inhofe said of Tuesday's hearing.

As a nominee who has not yet been given command of Cyber Command, Nakasone deferred to Rogers, but agreed with his assessment that Russia has not paid a sufficient price for its election interference.

Sen. Richard Blumenthal, D-Conn., referred to the recent indictment of 13 Russian individuals by Special Counsel Robert Mueller that alleged a coordinated, well-funded effort to disrupt the 2016 election, and asked what an appropriate response would be.

That decision rests with the executive branch, Nakasone replied.

"The most important thing is we want the behavior to change. We want them to pay a price and we want the behavior to change," he said.

Sen. Ben Sasse, R-Neb., railed against the United States' lack of response to Russian and Chinese cyber attacks.

"At the top at the executive and at the legislative level, we are not responding in any way that is adequate to the challenge we face," he said. "Clearly the oversight in this body is woefully inadequate."

Nakasone declined to describe contingency plans for Russia in an unclassified setting.

"That's one of the areas that Admiral Rogers spoke to on Tuesday, [and] that is being worked," Nakasone said.

Trump Nominee: Russia, China Don't Expect 'Much' U.S. Response To Cyber Attacks

By Patricia Zengerle

[Reuters](#), March 1, 2018

Full-text stories from Reuters currently cannot be included in this document. You may, however, click the link above to access the story.

Trump's Spy Chief Nominee To Face Grilling Over Russia Response

By Nafeesa Syeed

[Bloomberg News](#), March 1, 2018

President Donald Trump's departing military cyber chief stunned lawmakers this week when he said he was never asked by the White House to counter ongoing Russian efforts to interfere in U.S. elections.

Now, with the first congressional primaries taking place this month, Trump's nominee to lead the secretive National Security Agency and U.S. Cyber Command is assuring lawmakers he has plans to do so.

Army Lieutenant General Paul Nakasone, nominated by Trump to head both intelligence agencies, faced the Senate Armed Services Committee Thursday for his confirmation hearing. He was pressed about whether the U.S. is doing enough to deter attacks from Russia and other nations and what choices he will provide the president – who continues to call probes of Russian interference a "witch hunt" – to fight back.

"From adversaries conducting exploitation of our networks, to the harnessing of social-media platforms for false messaging, to targeting our elections, to destructive attacks, the department and our nation face significant challenges in this ever-growing domain," Nakasone said. **Imposing Costs**

Nakasone said his Defense Department experience has taught him that "we need to impose costs on our adversaries to ensure mission success."

If the Senate confirms him, Nakasone will succeed Navy Admiral Mike Rogers, who is retiring within months after a troubled tenure at the two spy agencies. Rogers told the same Senate panel on Tuesday that the U.S. hasn't done enough to deter Russian information operations. "They haven't paid a price" to change their behavior, Rogers said.

"I haven't been granted any additional authorities, capacity and capability" to take further steps to thwart Russian threats for this year's elections, Rogers added.

At Thursday's hearing, Senator James Inhofe, the Republican from Oklahoma who led the hearing, asked Nakasone what his role would be if Russia targeted U.S. elections again.

Nakasone said the Department of Homeland Security takes the lead on election security, but he would "provide a series of options" with cyber and military tactics to tackle the threat, with the president making the final decision. He also said there needs to be better coordination and information-sharing among the FBI, DHS and Defense Department in handling cyber incidents.

Both Republican and Democratic senators grilled Nakasone about developing a U.S. strategy that includes offensive operations. Senator Dan Sullivan, an Alaska Republican, told Nakasone the U.S. has become the "cyber punching bag of the world" because the country has failed to retaliate against cyberattacks from Russia, North Korea and

China. "Should we start cranking up the cost of the cyber attacks on our nation?"

Nakasone said adversaries "do not think much will happen to them" and "they don't fear us."

"The longer that we have inactivity the longer our adversaries are able to establish their own norms," Nakasone said. 'Lead This Fight'

Senator Elizabeth Warren, a Democrat from Massachusetts, said there's still been no "aggressive" response to Russia, which continues to pose a threat. "We're going to need you, general, to lead this fight," she said.

Analysts and former officials say there are measures military and intelligence agencies can take on their own, but while Trump has sought to delegate more power to his commanders, they still need the president to sign off on some of the more aggressive operations.

On Tuesday, Senator Jack Reed of Rhode Island, the committee's top Democrat, pressed Rogers about whether Cyber Command's forces had the authority to disrupt Russian election hacking operations "where they originate." Rogers said he didn't have "day-to-day authority" for that and would need the president's direction to do so, though Cyber Command is taking some steps that are allowed within its mandate. Erasing Servers

Among the options are offensive responses to Russian meddling. In making that decision, the president could choose a covert action by intelligence agencies, under a law called Title 50, or a military response, under the law known as Title 10.

Michael Sulmeyer, director of the Cyber Security Project at Harvard's Belfer Center and a former senior cyber policy adviser at the Defense Department, said he expects that Cyber Command has already been developing options on how to "degrade" Russia's capabilities and "make hacking our elections in 2018 a lot harder." That could include erasing systems such as servers and endpoints that adversaries use abroad, he said.

The aim is "at the technical level, make it much more difficult for them to perpetrate the actions that they're doing," Sulmeyer said at a conference in Washington on Wednesday. Covert Action

The NSA and Cyber Command have broad authorities to collect information and intelligence. But "if they want to go beyond intelligence collection, if they want to actually influence events in a way in which the hand of the United States is not shown – that's a covert action. They need a finding," Suzanne Spaulding, a former under secretary of Homeland Security, said in an interview.

A "finding" is a written document signed by the president that defines what agencies can engage in that go beyond espionage, Spaulding said. "It sounds like what Rogers may be saying is there are things that they could do that aren't covered by existing authority," she said.

Among the considerations: whether an offensive move is worth the risk of escalating retaliation if an adversary can tell the U.S. was behind the action.

Director of National Intelligence Dan Coats has said this year's elections are a "potential target" for Russian interference, though he noted during a Feb. 13 hearing that "there's no single agency in charge" of blocking potential Russian threats. Unified Command

Since October 2016, the 54-year-old Nakasone has served as commanding general of the Army's Cyber Command. Previously, he served in a senior role at U.S. Cyber Command as well as director of intelligence for the International Security Assistance Force Joint Command in Afghanistan. A former special operations commander, Nakasone was also a staff officer with the Joint Chiefs of Staff.

In August, Trump said he was boosting Cyber Command's status in the sprawling military hierarchy to a "unified combatant command." Cyber Command, founded in 2009, had been under U.S. Strategic Command, which oversees nuclear weapons and space programs.

The president also directed the Pentagon to examine separating Cyber Command from the NSA, a step that's long been under discussion. Nakasone said at the hearing that he would make an assessment on splitting the agencies. Snowden's Disclosures

Nakasone's nomination also follows concerns about the NSA's ability to keep hold of its own secrets after a string of publicized leaks. Rogers, the current director, took over in 2014 after former contractor Edward Snowden's disclosures of secret surveillance programs.

The NSA was bruised again in 2016 by revelations that another of its contractors was accused of stealing millions of pages of data over 20 years. That same year, an online group called ShadowBrokers posted two encrypted dossiers with what appeared to be highly classified NSA hacking tools to online file-sharing sites.

Nakasone was spared any questions about the leaks.

Army Officer: China, Russia Don't Fear US Cyber Retaliation

By Lolita C. Baldor

Associated Press, March 1, 2018

WASHINGTON (AP) — Nations including China and Russia that launch cyberattacks against the U.S. don't fear retribution and see no reason to change their behavior, the Army officer tapped to be the next head of U.S. Cyber Command told a Senate Committee Thursday.

Army Lt. Gen. Paul M. Nakasone said that cyber threats against the country have grown exponentially, and the U.S. must impose costs on those adversaries to make them stop.

Frustrated members of the Senate Armed Services Committee peppered Nakasone with questions about what the U.S. should do to nations that infiltrate government networks, steal data from contractors or try to influence American elections.

"We seem to be the, you know, cyber punching bag of the world," said Sen. Dan Sullivan, R-Alaska, adding that officials repeatedly tell lawmakers that the U.S. doesn't retaliate against attackers such as Russia, China or North Korea. "Should we start cranking up the costs of the cyberattacks on our nation?"

Nakasone agreed that adversaries don't think much will happen to them if they conduct computer-based attacks.

"They don't fear us," he told senators during his confirmation hearing. "It is not good, senator."

Asked by Sen. Ben Sasse, R-Neb, if China is worried about a response from the U.S. president, Nakasone responded, "I think that our adversaries have not seen our response in sufficient detail to change the behavior."

The U.S. response, said Sasse, is not adequate and must be more than simply cyber defense. "Why should the American people have any confidence in their government right now in the area of cyber war?" he said.

Nakasone, who currently leads U.S. Army Cyber Command, was cautious when asked what the U.S. should do. He said he would provide a series of options to civilian leaders and the president, and those could include actions other than cyber retaliation.

U.S. officials have argued that they have a number of ways to deal with nations that conduct cyber espionage or attacks — ranging from government sanctions and regulatory actions to various diplomatic and military responses.

Nakasone also told lawmakers that the U.S. must build its cyber force, and do what is needed to attract and retain the right people. A key strategy, he said, is to offer incentives to get service members and civilians who have critical skills in computer languages, forensics and other program development.

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Overnight Cybersecurity: Trump NSA Pick Says US Response To Cyberattacks Falls Short | Equifax Finds New Breach Victims | House Panel Says Russia Used Social Media To Disrupt Energy Markets

By Morgan Chalfant And Olivia Beavers
The Hill, March 1, 2018

Welcome to OVERNIGHT CYBERSECURITY, your daily rundown of the biggest news in the world of hacking and data privacy. We're here to connect the dots as leaders in

government, policy and industry try to counter the rise in cyber threats. What lies ahead for Congress, the administration and the latest company under siege? Whether you're a consumer, a techie or a D.C. lifer, we're here to give you ...

THE BIG STORIES:

--TRUMP NSA PICK SAYS RESPONSE TO CYBERATTACKS FALLS SHORT: President Trump's choice to lead the National Security Agency (NSA) said Thursday that the United States' response to Russian election interference has not been sufficient enough to change Moscow's behavior. Lt. Gen. Paul Nakasone, nominated to lead both NSA and U.S. Cyber Command, was asked at his confirmation hearing whether he agreed with outgoing NSA Director and Cyber Command head Adm. Michael Rogers's statement that the response to Russian meddling in the 2016 election has not been strong enough. "It has not changed their behavior," Nakasone told Sen. Ben Sasse (R-Neb.), who asked the question. Nakasone appeared before the Senate Armed Services Committee two days after Rogers, who faced tough questions over the Trump administration's response to Russia's interference in the 2016 presidential election during a hearing on the 2019 budget request for U.S. Cyber Command. On Thursday, lawmakers from both parties expressed frustrations that the government — including both the Trump and Obama administrations — has not sufficiently penalized foreign adversaries for cyberattacks. "We're 31 years into cyber war, but we're four years into regular attacks against the United States to which we publicly say we don't respond," said Sasse, citing the Office of Personnel Management breach disclosed in 2015 that was linked to China. Nakasone said broadly that the U.S. government has failed to sufficiently deter foreign actors in cyberspace with public penalties. "I think that our adversaries have not seen our response in sufficient detail to change [their] behavior," Nakasone said. Lawmakers also criticized successive administrations for failing to develop a whole-of-government strategy to deter and respond to cyber threats. "We are either at the war now or on the brink of war, and that war is in cyber," said Sen. Angus King (I-Maine). "We're under attack and our adversaries feel no consequences."

--NAKASONE received a warm welcome from committee members on Thursday. If confirmed, he will be the first commander to lead U.S. Cyber Command as a unified combatant command, after Trump moved to elevate it last year into its own warfighting unit. Cyber Command, which was born out of NSA headquarters in 2009, has seen its responsibilities grow rapidly over the last several years. The Pentagon is currently reviewing whether to ultimately separate NSA and Cyber Command, which are currently led by the same official. On Thursday, Nakasone did not explicitly endorse separating NSA from Cyber Command, saying that the decision needs to be made based on what is "best for the

nation." Nakasone said he would provide an assessment on a possible split within 90 days of being confirmed. Many view the split as inevitable, but some lawmakers and former officials have expressed concerns about the potential implications of a premature split. Congress pumped the breaks on splitting the two organizations, inserting language into 2017 defense policy legislation that instructed the Pentagon to report on its potential implications before making a decision. To read the rest of our piece, click here.

--EQUIFAX: 2.4 MILLION MORE BREACHED: Equifax has identified 2.4 million victims of its massive 2017 data breach that were not previously counted in the number of people affected by the hack, the credit bureau announced Thursday. The company says that hackers stole partial driver's license information from the newly identified group. Equifax said that in the vast majority of these cases, the breach did not expose home addresses, the states in which the licenses were issued or expiration and issuance dates. The company said that these victims had not been identified previously because the forensic investigation had focused on stolen Social Security numbers. "This is not about newly discovered stolen data," Paulino do Rego Barros, Jr., Equifax's interim CEO, said in a statement. "It's about sifting through the previously identified stolen data, analyzing other information in our databases that was not taken by the attackers, and making connections that enabled us to identify additional individuals." Equifax said it will notify those in the new group and offer them free credit monitoring and identity theft services. The new victims bring the total number affected by last year's breach to 147.9 million people, or roughly 45 percent of the U.S. population. The announcement has already rankled members of Congress who have been investigating the breach for months and grilled its former CEO in a marathon of hearings last year.

To read the rest of our piece, click here.

A LEGISLATIVE UPDATE:

A pair of lawmakers is looking to attach an amendment to a bill reauthorizing the Department of Homeland Security (DHS) that would help states bolster the cybersecurity of their election infrastructure.

At a recent meeting of the Senate Homeland Security and Governmental Affairs Committee, Sen. Kamala Harris (D-Calif.) said she hopes to introduce additional amendments to the bill that address cyber-related issues at the department, including one that implements "bipartisan election security measures to modernize election cybersecurity across America and protect against foreign interference on future elections."

Harris said she is working with Sen. James Lankford (R-Okla.) on such an amendment to the DHS reauthorization bill, which passed the House last year and is now moving through the upper chamber.

"If we have been attacked once, we should assume that is the first of many and we should have our guard up," Lankford said at the Senate panel meeting Wednesday.

Harris also said she hopes to introduce an amendment that provides "new solutions that get top private sector talent to help the federal government address cybersecurity challenges."

The House-passed Homeland Security reauthorization bill includes a number of operational reforms, including some that are related to the department's cybersecurity efforts. Among its vast responsibilities, Homeland Security is taking the lead on protecting federal networks and critical infrastructure from cyber threats.

The bill would authorize Homeland Security for the first time since it was established following the 9/11 terrorist attacks.

A REPORT IN FOCUS:

RUSSIA LOOKED TO SOCIAL MEDIA TO DISRUPT US ENERGY MARKETS: Russia used several American social media accounts in an attempt to disrupt U.S. energy markets, according to a House committee report released Thursday.

The report from the House Committee on Science, Space and Technology concluded that Russia exploited social media platforms Twitter, Facebook and Instagram to influence the United States' domestic energy policies, sometimes taking conservative positions to stir up tensions.

Looking at information provided to them by U.S. social media companies, the committee found that between 2015 and 2017 there were about 9,097 Russian posts or tweets about U.S. energy policy and events on Facebook, Instagram and Twitter.

During the same time period, the report found an estimated 4,334 accounts linked to the Internet Research Agency (IRA), a company established by the Russian government that engages in online influence operations for the Russian government and businesses.

The Internet Research Agency posts and tweets specifically targeted pipelines, fossil fuels and climate change, the report found.

The committee surmised that the disinformation campaign on social media is connected to Russian fears that a strong U.S. energy economy could negatively impact Russia's oil and natural gas economy.

Eastern and central European countries currently get about 75 percent of their natural gas from Russia, with southeastern European countries receiving nearly all of their natural gas from Moscow. However, those numbers are slowly changing. For example, Poland recently signed a five-year deal with the U.S. to import liquefied natural gas to decrease dependency on Russian energy supplies, according to the report.

"Russia benefits from stirring up controversy about U.S. energy production. U.S. energy exports to European countries are increasing, which means they will have less reason to rely upon Russia for their energy needs. This, in turn, will reduce Russia's influence on Europe to Russia's detriment and Europe's benefit," the committee's chairman, Rep. Lamar Smith (R-Texas), said in a statement.

"That's why Russian agents attempted to manipulate Americans' opinions about pipelines, fossil fuels, fracking and climate change. The American people deserve to know if what they see on social media is the creation of a foreign power seeking to undermine our domestic energy policy."

To read the rest of our piece, click here.

A LIGHTER CLICK:

Sen. Mark Warner (D-Va.) talks 'Russia' and 'memos' with Stephen Colbert on upcoming 'Late Show.'

WHAT'S IN THE SPOTLIGHT:

ENERGY SECTOR CYBER THREATS: Senate Energy and Natural Resources Committee lawmakers on Thursday hosted a hearing with experts and officials to address cyber issues facing the energy sector, including threats and possible future solutions.

Senators largely sought to learn more about the Department of Energy's new cybersecurity office, Energy Security, and Emergency Response (CESER), which Energy Secretary Rick Perry launched last month.

The committee questioned DOE's Assistant Secretary Bruce Walker about the plans for the office. Walker said it would address industry sector threats and help evolve the critical grid infrastructure.

Walker emphasized the department's plan to work "diligently to mitigate" threats facing the energy sector and increase alignment of cybersecurity preparedness across local, state, and federal levels.

"I would like to highlight that the risk of physical and cyber threats is continuously being exacerbated by a set of circumstances that are increasing the interdependence of the various energy systems throughout the nation," Walker told the committee in his opening remarks.

"The creation of the CESER office will build on all that we do today and elevate the department's focus on energy infrastructure protection and will enable more coordinated preparedness and response to cyber and physical threats and natural disasters," he continued.

Robert M. Lee, the CEO of industrial cybersecurity firm Dragos, advised that the CESER office should work on "de-duplicating overlap with the private sector" and recognize that the best intelligence is in the "communities and companies being targeted."

Lee also expressed concern that the government appears better equipped to handle a major attack than it is to recover from smaller scale attack.

IN CASE YOU MISSED IT:

Links from our blog, The Hill, and around the Web.

Dems press Trump on response to Russian cyber threat. (The Hill)

Grassley intensifies probe into Russian oligarch. (The Hill)

Frustrated Dems demand contempt action against Bannon. (The Hill)

IBM urges lawmakers to crack down on internet platforms. (The Hill)

A data breach at Marine Corps Forces Reserve impacted over 20,000 people. (Marine Corps Times)

Senate Intelligence Committee members concluded that House Republicans leaked Warner's texts. (The New York Times)

A trio of new reports from cyber firm Dragos examine threats to and vulnerabilities of industrial control systems. (Dragos)

The European Union tells tech companies to remove terrorist content within one hour. (Bloomberg)

GDPR is going to impact how companies work with third-party cloud providers. (CyberScoop)

The latest on the cyberattack that hit German government computer systems. (The Telegraph)

NSA Nominee Says Russian Adversaries 'Do Not Fear Us'

ABC News, March 1, 2018

President Donald Trump's nominee to lead the National Security Agency and U.S. Cyber Command told Congress Thursday that even after repeated hacks of government and corporate systems, and despite the outrage over Russia's social media disinformation campaigns, America's adversaries have suffered few consequences.

"Right now, they do not think that much will happen to them," Lt. Gen Paul Nakasone told the Senate Armed Services Committee. "They don't fear us."

Nakasone told senators he agrees with the current head of the NSA, Adm. Mike Rogers, who testified Tuesday that Russia is aggressively seeking to influence the 2018 elections and that the U.S. response to its 2016 election interference has had no deterrent effect.

"It has not changed their behavior," Nakasone said.

Army Lieutenant General Paul Nakasone, right, talks with Senate Armed Services Committee Chairman James Inhofe, R-Okla., left, and ranking member Sen. Jack Reed, D-R.I., during a hearing on Capitol Hill in Washington, March 1, 2018.

Responsibility for dealing with Russia's election assault has fallen into a bureaucratic grey zone. Protecting the nation's election infrastructure falls on the Department of Homeland Security, while the elite military cyber warriors at U.S. Cyber Command sit on the sidelines.

In the absence of a national strategy for combating cyber threats, and without direct orders from President Trump to use military cyber assets to strike back at Russia, the only real consequences Moscow has suffered for interfering with the elections is the indictment of 13 Russians targeted by special counsel Robert Mueller.

That indictment described what even the Russians themselves called "information warfare" against the United States, but Nakasone could not say whether the U.S. military considers the 2016 – and current disinformation campaign – an act of cyber war.

Senators were less circumspect.

"We really haven't retaliated at all, whether it be Iran, North Korea, China, Russia," said Sen. Dan Sullivan, an Alaska Republican. "We seem to be the cyber punching bag of the world, and it's common knowledge."

"We are either at war now, or on the brink of war, and the war is in cyber," said Sen. Angus King, I-Maine, "and we don't have a strategy for dealing with that war, and we don't have a strategy for deterring that war. We are under attack and our adversaries feel no consequences, they fear no response."

If confirmed, Nakasone promised to act "with speed" to develop a strategy for deterring Russia's meddling.

"It is deeply disturbing that you say we should act with 'speed' a year after the election," shot back Sen. Elizabeth Warren, a Massachusetts Democrat. "So you're telling me we don't even have a decision to respond yet?"

"If confirmed I would provide a series of options," said Nakasone. "In this case the ultimate responsibility obviously resides with the president and Congress."

Sasse: Why Should Americans Have Confidence In Government's Cyberwar Efforts?

By Joseph Morton

[Omaha \(NE\) World-Herald](#), March 1, 2018

WASHINGTON — America's adversaries do not fear that they will face repercussions for launching cyberattacks against the United States.

That's what lawmakers heard Thursday from President Donald Trump's pick to lead the National Security Agency and U.S. Cyber Command.

"Right now they do not think that much will happen to them," Army Lt. Gen. Paul Nakasone testified before the Senate Armed Services Committee.

Sen. Ben Sasse, R-Neb., a member of the committee who has stressed the importance of tackling cyberthreats, seized on those statements, calling them "the most important thing that will happen on Capitol Hill today."

"We're four years into regular attacks against the United States to which we publicly admit we don't respond, or we

don't respond in any way that's sufficient to change behavior," Sasse said.

Sasse questioned the strategy of just playing defense in the cyber domain, noting that the United States has the most advanced economy, with the most electronics and 90 percent of its critical infrastructure in the private sector.

"So we stand to absorb attack after attack after attack, unless we add offensive cyber capabilities," Sasse said.

It was the second time this week the committee heard that the United States has not taken sufficient action to deter adversaries from launching cyberattacks, which can range from the Chinese hacking of millions of sensitive personnel records to Russian interference in the 2016 presidential election.

The man Nakasone is replacing, Adm. Michael Rogers, made similar points when he testified earlier in the week and said he had not been ordered to go after Russian cyberthreats where they originate.

On Thursday, Sasse declared himself a big fan of Nakasone and said the country is "blessed" to have him assuming his new role. But he also was sharply critical of the government's inaction to date.

"Why should the American people have any confidence in their government right now in the area of cyberwar?" Sasse said.

Sens. Deb Fischer, R-Neb., and Joni Ernst, R-Iowa, also members of the committee, popped into the hearing briefly but did not ask questions.

They had conflicting committee hearings, including an Environment and Public Works Committee session focused on infrastructure.

Fischer said that she scheduled a classified briefing with Nakasone earlier in the week because of the conflicts and that she supports his nomination.

Ernst also supports the nomination and said the many different agencies tasked with responding to cyberthreats must be pulled together to offer seamless protection for U.S. assets.

"We need to get our act together," Ernst said.

CYBERCOM Chief Nominee Plans Recommendation On NSA Split Within Three Months

By Joseph Marks

[NextGov](#), March 1, 2018

President Donald Trump's pick to lead U.S. Cyber Command plans to deliver a recommendation about whether the command is ready to split from its dual hat relationship with the National Security Agency within 90 days of being confirmed, Lt. Gen. Paul Nakasone told lawmakers Thursday.

Nakasone has "no predisposed opinion," however, about whether CYBERCOM is ready to fly solo, he told

members of the Senate Armed Services Committee during his confirmation hearing.

If confirmed, Nakasone will be CYBERCOM's third leader since the command was established in 2010 and the first to lead the outfit as a full unified combatant command. CYBERCOM was previously slotted beneath U.S. Strategic Command, though outgoing chief, Adm. Michael Rogers, said he frequently worked directly with Pentagon leadership rather than working through STRATCOM.

Trump directed Defense Secretary Jim Mattis to consider splitting NSA and CYBERCOM in connection with that elevation, but the Pentagon has not yet settled on a plan for that split or its timing.

Proponents of the split worry that the two organizations necessarily work at cross purposes from each other, especially when it comes to exposing known vulnerabilities in software.

For CYBERCOM, which is responsible for securing the military's digital infrastructure, it will almost always be preferable to expose and patch vulnerable systems that could make the military less secure. For NSA, which relies on undisclosed vulnerabilities in commercial software to spy on U.S. adversaries, there is a great incentive to not to notify companies.

There are also reputational concerns about the country's military and spying operations being too closely linked, advocates of the split say.

Skeptics of the split, however, worry CYBERCOM isn't ready yet to stand on its own without NSA's longer history and greater expertise.

Even if the dual-hat relationship is terminated, Nakasone will aim to maintain "an exceptionally close and collaborative relationship" between NSA and CYBERCOM, which he described as "the foundation of our success."

Those comments came in response to written questions from lawmakers, which were also released Thursday.

Nakasone rejected a written question about whether NSA's and CYBERCOM's differing missions compromised a dual-hatted leader.

"My experience is that the dual-hat arrangement has enabled the operationally close partnership between USCYBERCOM and the NSA, which benefits both in the accomplishment of their respective missions," he wrote.

He added that a premature split risks dangerously slowing down cyber operations.

CYBERCOM is scheduled to reach its full operating capability of about 6,200 troops across the four military services by June, Rogers told lawmakers during a separate hearing Tuesday. Nakasone confirmed that timeline in written comments Thursday.

Tight-lipped on Russia Retaliation

Nakasone was tight-lipped during his confirmation hearing about CYBERCOM's plans to retaliate against

Russia for its digital meddling in the 2016 election, largely deferring those questions to Rogers.

CYBERCOM has developed specific plans of digital attack against some U.S. adversaries that the command can present as options to civilian leadership upon request, Nakasone acknowledged.

The command has also identified adversaries' most sensitive and vulnerable digital information, he said, but he declined to name which nations the command has focused on or to describe those plans in any detail.

If confirmed, Nakasone said, developing cyber battle plan options against Russia would be an early priority.

For his part, Rogers told lawmakers Tuesday that the White House has not explicitly ordered him to retaliate against Russia. Rogers and Nakasone both stressed, however, that cyber retaliation is not always the wisest response to a cyber strike.

'They Don't Fear Us'

Nakasone also echoed Rogers by noting that the U.S. has not generally deterred cyber adversaries from launching digital attacks against it and has not made clear that those attacks will invite consequences.

"I would say right now they do not think that much would happen ... They don't fear us" he said when asked if adversaries feared U.S. retaliation for cyber strikes.

One danger of that, he said, is that U.S. inaction allows nations that are more belligerent in cyberspace, such as Russia, China, Iran and North Korea to set the global norms that will define how other nations act in the future.

In a written response, Nakasone described Russia as the U.S.'s "most technically advanced potential adversary in cyberspace" and fretted about Russian capability to hack into industrial control systems in the energy, transportation and industrial sectors.

Also in response to written and spoken questions, Thursday:

Nakasone urged more U.S. research and investment into artificial intelligence and quantum computing, noting that if China or another adversary beat the U.S. to major developments in those fields it would be "a revolution in military affairs."

One of Nakasone's top priorities if confirmed, he wrote, will be "assessing the state of the NSA workforce, including morale and work climate and ensuring we are employing, empowering, and retaining the best and brightest talent our nation has to offer."

Nakasone touted other transaction authority, or OTA, as a way to speed up CYBERCOM's ability to rapidly buy offensive and defensive cyber capabilities.

Lawmakers asked Nakasone in writing: "Do you agree that demonstrating to President Putin that we have the capability and will to threaten his sources of power, wealth, and support would improve our ability to deter Russia from

sustaining and intensifying its ongoing campaign to manipulate the American electorate?" He replied simply: "Yes."

Top Cyber-security Official Warns Of Lackluster Response To Attacks

By Marisa Schultz

New York Post, March 1, 2018

WASHINGTON — A second top cyber-security official is sounding the alarm over the US's inadequate response to Russian and other cyberattacks.

Army Lt. General Paul Nakasone told the Senate Armed Services Committee that adversaries that include Russia, China, North Korea and Iran are not facing retribution for their cyberattacks on the US.

"They do not think that much will happen. They don't fear us. That is not good," said Nakasone, Trump's nominee to direct the US Cyber Command and the National Security Agency.

He said his role would be to present options to Trump, but the strategy "emanates from the executive branch."

Sen. Ben Sasse (R-Neb.) said Nakasone's assessment that the US doesn't retaliate when attacked is the "most important" exchange happening at the Capitol.

Sasse said while 80 percent of congressional hearings are "fake" and 90 percent are "pointless," this one matters because a sense of urgency is "bubbling up" to counterattack.

"We are not responding in any way that is adequate to the challenge that we face," Sasse said.

On Tuesday, Adm. Mike Rogers, current head of the NSA and U.S. Cyber Command, warned that Russia is still trying to meddle in American elections and the US hasn't done enough to dissuade such interference.

Nakasone said he agrees with Rogers's assessment that Russia hasn't suffered consequences to deter their cyber attacks.

"It has not changed their behavior," Nakasone said.

Hack Of German Government Network Caused Considerable Damage

Associated Press, March 1, 2018

BERLIN (AP) — A cyberattack on German government computer systems thought to have been committed by a Russian-backed hacking group is ongoing and may have caused "considerable damage," members of parliament's intelligence oversight committee said Thursday.

News of the hack broke Wednesday with a report from German news agency dpa, and committee members expressed outrage that they first learned of the attack, discovered in December, from the media.

"While there may be good arguments about why some of the information was kept tight during the past weeks, it is

completely unacceptable that yesterday afternoon we were informed by dpa," Greens lawmaker Konstantin von Notz told reporters.

Citing unidentified security sources, dpa reported that investigators believe a Russian group known as Snake carried out the hack that breached Germany's foreign and defense ministries and managed to steal data. It said the attack was uncovered in December and may have been going on for a year.

Earlier, dpa had reported that the group behind the attack was APT28, also known by other names including "Fancy Bear." APT28, which has been linked to Russian military intelligence, has previously been blamed for attacks on the German Parliament in 2015, as well as on NATO, governments in eastern Europe, the U.S. election campaign, anti-doping agencies and other targets.

The Interior Ministry on Wednesday confirmed that networks belonging to the "federal administration" had been hacked into, saying "the attack was isolated and brought under control."

An Interior Ministry spokesman wouldn't give further details, citing the ongoing analysis and security measures being taken.

Armin Schuster, a member of Chancellor Angela Merkel's Christian Democrats and chairman of the intelligence oversight committee, called it a "veritable attack" on the government network.

"It's an ongoing attack and therefore public discussions about details would simply be a warning to the attacker which we don't want to give," he said after an emergency meeting of the committee. "The spilling of secrets caused considerable damage, but the government, as of today, is trying to limit the damage."

Left Party lawmaker and intelligence oversight committee member Andre Hahn said that in his opinion the government is trying to "downplay" the significance of the attack.

"I fear that in the coming weeks quite a bit more will come to light," he said.

German media reported the breach was allowed to continue so investigators could gather information about the scope and the targets of the attack, and its initiators.

According to Germany's domestic intelligence agency, Snake — the group suspected to be behind the attack — first surfaced in 2005 and uses "a very complex and high quality software" that also goes by the name Uroburos or Turla.

"The selection of targets indicates state interests: those affected are government agencies and targets in business and research," Germany's BfV spy agency said in its annual report for 2016.

The dpa news agency reported that the attackers entered government networks through a training academy for

civil servants, then carefully made their way into other parts of the system.

Following dpa's report Wednesday, officials confirmed that there were at least "indications" that Russian hackers were behind the attack.

"If it turns out to be true, it is a form of warfare against Germany," the head of the digital affairs committee, Dieter Janacek from the Greens party, told the Berliner Zeitung newspaper. Janacek characterized the attack as "severe" and called on the government to pass on the information it has to parliament.

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Russians Suspected Of New German Attack May 'Have Been Inside System For A Year'

By David Meyer

ZDNet, March 1, 2018

Hackers – possibly Russian – have reportedly had access to the German government's secure network for over a year.

As first revealed by German news agency DPA, the hackers were able to steal data in the intrusion, which was apparently spotted in December.

The report quoted unnamed sources as saying the chief suspect is the notorious APT28 or Fancy Bear group, which was reportedly behind the German parliament's big 2015 hacking and, months later, the Democratic National Committee (DNC) compromise in the US.

Fancy Bear is widely believed to be under the Kremlin's control. Apart from the Bundestag and DNC, its targets have included everyone from the Ukrainian military and US defense contractors, to Russian opposition parliamentarians and the Putin-critical punk group Pussy Riot.

The group's previous German hack involved the Bundestag's regular network. This time it's the secure Berlin-Bonn Information Network (IVBB), an intranet run by the Interior Ministry that comes with higher usage restrictions for users and is supposed to be firewalled to the gills.

According to Der Spiegel, it seems the Foreign Office was targeted, and possible the Defense Ministry as well.

Other users of the IVBB include the Chancellery, the Federal Audit Office and the Bundestag.

Johannes Dimroth, an Interior Ministry spokesman, said in a statement that the intelligence services and Federal Office for Information Security (BSI) were currently investigating "an IT security incident", and "appropriate measures" to protect the network have been taken.

"The attack was isolated and brought under control," Dimroth said, adding that the "ongoing analysis and safeguards" meant no more could be divulged at this point.

The Bundestag's intelligence services oversight committee is meeting Thursday afternoon, and the Interior Ministry suggested that more news on the intrusion may be coming on Friday.

According to Deutsche Welle, opposition lawmakers from three parties – the FDP, Greens and Left – are scandalized that they only learned about the attack from the press.

"We expect representatives at the Interior Ministry, Foreign Ministry, Defense Ministry and Federal Office for Information Security to explain themselves," said Manuel Höferlin of the FDP.

The intranet run by the German Interior Ministry comes with higher usage restrictions for users and is supposed to be firewalled to the gills.

Tuesday's hearing in the Senate marks the first of several hearings involving the tech giants and how Russian-backed hackers and propagandists used their services to spread misinformation and false news.

Germany Scrambles To Contain Cyber Attack On Government Systems

By Arne Delfs Patrick Donahue

Bloomberg News, February 28, 2018

Germany has yet to fully contain a cyber attack on the government's computer networks, indicating the threat is more serious than initially thought.

"The federal government is trying to get the situation under control," Armin Schuster, head of the German parliamentary body that oversees intelligence operations, said Thursday at a press conference in Berlin. "The betrayal of state secrets on its own represents significant damage."

His comments are in contrast to a statement late Wednesday from the Interior Ministry, which said the incursion was "isolated and under control."

Russian hacking group APT28 is suspected of deploying malware to attack information systems linked to Germany's Foreign and Defense Ministries, news agency Deutsche Presse-Agentur reported, citing unidentified security officials.

Schuster declined to comment on specifics, saying: "It's an ongoing attack. Because of this, any public discussion about details would simply be a warning to the attackers." "High-Priority Case"

German intelligence services and the Federal Office for Security in Information Technology are investigating an incident affecting government data networks, the Interior Ministry said, adding that the incident is a "high-priority case" and officials were devoting "significant resources" to the investigation.

The breach was initially discovered in December. German investigators determined that the suspected hackers

managed to seize information, DPA cited the officials as saying. The cyber activity may have lasted over a year, it said.

APT28, also known in the intelligence community as "Fancy Bear," has been linked to attacks against the U.S. Democratic Party, the White House and NATO. The group has targeted European government institutions and private companies over the past few months, according to Ben Read, who tracks cyber espionage for IT security company FireEye.

"This group has a lot of resources," Read said in a telephone interview. "APT28's primary mission is to gather intelligence in support of the Russian government. The Russian government wants to know what's Germany's foreign policy is. It's important to them."

German Government Under Cyber Attack, Shores Up Defenses

By Thorsten Severin, Andrea Shalal

[Reuters](#), March 1, 2018

Full-text stories from Reuters currently cannot be included in this document. You may, however, click the link above to access the story.

Germany Suspects Russian Group Of Hack

By Guy Chazan

[Financial Times](#), March 1, 2018

Full-text stories from the Financial Times are available to FT subscribers by clicking the link.

German MPs Claim Russian Fancy Bear Hacking Attack Is Tantamount To Warfare

By David Charter

[The Times \(UK\)](#), March 1, 2018

The Fancy Bear group is linked to Russian military intelligence, according to US and German authorities. Sean Gallup/Getty Images

German politicians have denounced a Russian cyberattack on its government computer systems as "a form of warfare".

Emergency meetings of the Bundestag's digital affairs and intelligence committees were called after German media reported that the Russian-backed hacking group APT28 raided the foreign and defence ministries.

APT28, also known as Fancy Bear, is linked to Russian military intelligence, according to German and US authorities. It was blamed for the theft and release of private emails from the Democratic Party during the US presidential campaign and a cyberattack on the Bundestag in 2015.

"If it turns out to be true it is a form of warfare against Germany," Dieter Janacek from the Green party, head of the Bundestag digital affairs committee, told Berliner Zeitung newspaper.

Equifax Says 2.4 Million More People Were Impacted By Huge 2017 Breach : The Two-Way : NPR

[NPR](#), March 1, 2018

Equifax has disclosed that an additional 2.4 million people were impacted by a massive cybersecurity breach last year, bringing the total to about 148 million people.

The credit reporting agency says the new consumers were identified during forensic examination of the breach. They were previously unidentified, the company says, because their Social Security numbers were not stolen.

Their names and some of their driver's license information was taken, however. According to the company, "in the vast majority of cases, it did not include consumers' home addresses, or their respective driver's license states, dates of issuance, or expiration dates."

Equifax says it will directly notify these 2.4 million people "and will offer identity theft protection and credit file monitoring services at no cost to them."

The company has struggled to rebuild public trust after the revelation of the breach and what is widely perceived as a bungled response.

For example, several times after the cyberattack, the company's official Twitter account mistakenly directed worried customers to a fake phishing site.

Lawmakers also have been highly critical of the company's response, and Thursday's revelation is prompting new scrutiny.

"Some lawmakers say the company has delayed and given only partial responses to questions related to a House Commerce Committee investigation," NPR's Chris Arnold told our Newscast unit. "They are now requesting a briefing from a company Equifax hired to do its own investigation of the breach."

Last week, Democrats from the House Committee on Oversight and Government Reform pressed Equifax to extend their free identity theft protection and credit file monitoring from one year to three.

"Given the sensitive nature of the personal information that was stolen — and the ability of criminals to store and use that information for years to come — we believe that the millions of U.S. consumers whose personal information was compromised in the Equifax data breach should receive the most robust form of credit protection and identity theft services available," says the letter to Paulino Barros, Equifax's interim CEO.

As NPR's Colin Dwyer reported that when the breach was first disclosed, "the number of American consumers affected constitutes about 44 percent of the U.S. population."

But there is good reason to think that many of those impacted may not be aware of it. A new survey from CreditCards.com found that 50 percent of adults surveyed

have not checked their credit scores and reports since the breach.

And "twenty percent of all respondents have heard little or nothing about the Equifax breach, including 46 percent of those aged 18-37," according to the survey results.

Worried your data has been exposed? NPR's Yuki Noguchi put together this set of tips for protecting yourself.

North Korean Hackers May Be Developing Malware That Could Shut Down The U.S. Power Grid

Daily Beast, March 1, 2018

Inside the modern power plants, transmission facilities, and electrical substations that make up a power grid, nearly everything is controlled by computers, and those systems haven't gotten more secure since Russian government hackers triggered an electrical outage in Ukraine over a year ago. Now there are indications that North Korea may be working to follow Russia's lead, and sizing up the U.S. as a target.

Those are some of the takeaways from new research by the Maryland-based cybersecurity firm Dragos, which specializes in industrial-control systems like those in the electrical grid and on factory floors. The company analyzed 163 new security vulnerabilities that surfaced last year in industrial-control components, and found that 61 percent of them would likely cause "severe operational impact" if exploited in a cyberattack.

Most of the vulnerabilities could only be exploited if the attacker has already gained access to a plant operations network—only 15 percent actually allow an attacker ingress from the outside. But Dragos also found serious problems in how equipment makers warn utilities and other customers about new security holes. Among other issues, the vast majority of security advisories—covering 72 percent of last year's vulnerabilities—provided little guidance on closing the security hole. "They lacked alternative mitigation data," says Reid Wightman, senior vulnerability analyst with Dragos. "If you can't apply the patch, there's no other mitigation that can take place."

If there's a bright spot in the new findings it's that the majority of industrial-control security holes are in equipment that uses protocols and architectures so inherently insecure that an extra vulnerability isn't that big a deal. "There's not really any security on the device to begin with," Wightman says. And so far, sophisticated control-system attacks are the province of a handful of nation-state-level hacking operations like those in the U.S., Russia and, reportedly, Israel.

But in September, Dragos picked up a new adversary, code-named "Covellite," that appears to be trying to join that club. Covellite has been targeting electric utilities in the U.S., Europe, and parts of East Asia with spear-phishing attacks

that employ code and infrastructure eerily similar to that used by the so-called Lazarus Group, the most destructive and outright criminal of the state-sponsored hacking gangs. Dragos doesn't link attacks to specific nation-states, but the U.S. government has publicly identified the Lazarus Group as North Korea.

If Kim Jong Un is trying to duplicate Russia's electricity-killing capability, he's in an early reconnaissance stage—Covellite hasn't shown any particular expertise in the arcana of industrial-control systems. But Dragos' Joe Slowik says it's a worrying development. "From a risk standpoint, that actor could be really interesting," says Slowik. "Particularly if things on the Korean Peninsula get worse."

The findings cap a year of serious advances in attack techniques against electric utilities. In June, researchers at Dragos and the European security firm ESET discovered that attackers deployed startlingly sophisticated malware dubbed Crash Override to trigger a blackout in Kiev the previous winter—an attack the Ukrainian government has convincingly attributed to Russia. And late last year an unknown perpetrator attacked a Saudi petrochemical plant with a new breed of code called Triton, which was built to deliberately kneecap a plant's safety systems.

That latter move signals dangerous new rules of engagement on the cyberbattlefield, says Slowik. "Even if it wasn't the direct intention of the operation, someone said, this is OK—to create something that could harm or even kill someone."

North Korea Poses A Greater Cyber-attack Threat Than Russia, Security Expert Warns

Hacks grew in intensity and sophistication last year, warns CrowdStrike

By Joe Sommerlad

Independent (UK), March 1, 2018

North Korea poses a more considerable cyber-attack threat to the international community than Russia, according to cyber-security firm CrowdStrike.

Kim Jong-un's regime has been connected to a number of major hacks in recent years, with its attention primarily focused on neighbour and rival South Korea.

Most famously, a hacker collective known as the "Lazarus Group", allegedly backed by Pyongyang, was blamed for the WannaCry ransomware attack last summer, which locked out IT systems across the world, hitting the NHS in the UK and such major international businesses as Russia's Sberbank and carmakers Honda and Renault.

Speaking ahead of the launch of the 2018 edition of CrowdStrike's annual threat report, co-founder Dmitri Alperovitch warned that cyber-attacks had grown in intensity and sophistication over the last year.

"In 2018, my biggest worry is actually about North Korea. I worry a great deal that they may do a destructive attack, perhaps against our financial sector, in an attempt to deter a potential US strike against either their nuclear facilities or even the regime itself," he told The Guardian.

"Regardless of whether a military strike is actually on the cards or not, what matters is whether they think one might happen. And given all the rhetoric over the last year or so, it wouldn't be irrational for them to assume that," he added.

The report itself warns that North Korea is, "likely to continue malicious cyber activity against entities in South Korea, Japan and the US. Network access obtained via remote access tools... may be used to deploy wiper malware."

The Independent's bitcoin group on Facebook is the best place to follow the latest discussions and developments in cryptocurrency. Join here for the latest on how people are making money – and how they're losing it.

FBI Is Fighting Hybrid Cyberattacks

By Amanda Ziadeh

GovernmentCIO Magazine, March 1, 2018

Terrorism, foreign intelligence threats and traditional crimes are coordinated with hackers.

In a world of advancing cyber threats and security vulnerabilities, the FBI finds itself facing a hybrid cybersecurity environment: traditional national security threats merging with computer hackers and predators.

"In terms of cybersecurity, most of the threats that we're faced with today are much the same we've always seen," said Paul Abbate, executive assistant director for the Criminal, Cyber, Response and Services in the FBI. He spoke at the AFCEA Cyber Security Summit on Feb. 27.

Abbate said the threats can still be placed into three buckets: terrorism, foreign intelligence and traditional criminal threats. Now, cyber is used as a tool to commit these crimes from a different angle — almost anonymously — and enhancing what criminal nation-state actors are doing.

"It makes it harder to predict, detect, harder to make attribution as far as who's doing it," Abbate said.

In the terrorism bucket, organizations like the Islamic State group use the internet and cyber means to globally radicalize and recruit individuals for violence, which has resulted in crises around the world.

Foreign counterintelligence threats from foreign state adversaries like Russia, Iran, North Korea and China come at the U.S. for economic espionage, theft of state secrets, foreign influence of elections and so on.

"[Cyber] just adds to the dynamic of the challenges in terms of the work that we do to protect this country," Abbate said.

And even with traditional criminal threats, business email compromise and ransomware crimes have grown

significantly over the past couple years. In this bucket, Abbate said those are the more common threats the FBI faces, resulting in the greatest economic harm.

"What we're seeing is a blended or hybrid threat, whereby the traditional criminal organizations and hackers are coming together, and nation-states and nation-state actors are attacking us in tandem, as a team," Abbate said.

He provided a real-life example of this "hybrid" cybersecurity case the FBI faced not too long ago.

In 2015, a defendant named Ardit Ferizi was charged with providing information to support IS by hacking and stealing U.S. military and federal personnel information. Through reporting by a private sector company, the FBI was able to detect a significant breach occurred, which included the exploitation of personally identifiable information.

The FBI tracked the hack back to Ferizi, who was based in Malaysia, and from there, connected him with an IS leader in Syria. With even further intelligence, the FBI learned IS leveraged Ferizi to commit this breach, steal the PII and transfer that information to IS. IS used social media to publicly broadcast a "kill list," a compilation of names for radicalized individuals to target.

"You have a foreign terrorist organization of the highest order coming together and leveraging the ordinary criminal hacker to move toward violence and terrorist attacks around the world," Abbate said.

But by collaborating with the Defense Department, private sector partners and international partners like the Malaysian authorities, the FBI identified both individuals before any harm was done with the list. Ferizi was charged in the U.S., and the individual from IS was killed in Syria during a military strike.

Abbate also referred to the breach of Yahoo's network, also a hybrid-type attack, which began in 2014. Russian Federal Security Service officers worked with criminal hackers to target Yahoo and steal more than 500 million user account information. These hackers, also using the breach for their own criminal purposes, gave the information to their Russian government handlers so it could be leveraged for foreign intelligence purposes to influence operations.

Ultimately, four defendants were indicted, including two FSB officers, for computer hacking, economic espionage and other criminal offenses. The indictments were announced to publicly attribute the criminal acts to the Russian government, "naming and shaming them," as Abbate said.

Presenting clear consequences, as shown in both cases, is one way the FBI hopes to prevent criminals from committing these types of cyberattacks in the future.

"We need to send the message to our adversaries . . . to deter and prevent them from doing these things," Abbate said.

However, there are a few areas the FBI is working to improve in, to stay on top of the changing cyber threat

landscape. One is with cyber talent recruitment, engaging students early on and conducting on-the-job cyber training to enhance the talent already in the FBI. The other area is information sharing.

"We have to continue to work hard at that, all around, both within government and with the private sector and our international partners," Abbate said. The FBI is constantly working with other agencies and organizations to detect, predict and fight cyber threats. Its primary platform for doing so is the National Cyber Investigative Joint Task Force, a multi-agency cyber center to coordinate and share information for cyber threat investigations. It involves more than 20 agencies from across law enforcement, the intelligence community, DOD and state and local partners.

But to foster even more partnerships and opportunities for information sharing, Abbate urged the private sector to form relationships with local FBI field offices.

"We think that's essential, and we think that's going to prevent bad things from happening . . . to have that relationship and share intelligence in advance," he said.

To best position the country to counter all cyber threats, this information sharing is a two-way street.

"In the event that something unfortunate occurs, or we're faced with a crisis, we already have the relationship, the bond, and that puts us in the best position to address this together," Abbate said.

U.S. Marines Email Leak Exposes Secrets Of 21,000 Soldiers, Civilians

By Jason Murdock

Newsweek, March 1, 2018

The U.S. Marine Corps has launched an investigation after confidential information linked to more than 20,000 "soldiers and civilians" was exposed online.

The U.S. Marine Corps Forces Reserve sent an unencrypted email on Monday containing an attachment that held sensitive data, including partial credit card details and Social Security numbers, to an incorrect distribution list that included some civilian recipients.

According to the Marine Corps Times, the mistaken email contained data from the Defense Travel System, which is used to store itineraries and expense reports from official trips. Major Andrew Aranda, spokesperson for the Marine Forces Reserve, said 21,426 people had been affected in total.

Sargent Sheena Adams, 25, U.S. Marine, works late into the night on her laptop on her reports on November 12, 2010, in Musa Qala, Afghanistan. Paula Bronstein/Getty Images

In addition to partial banking details, the mishandled data included home addresses, mailing addresses and emergency contact information.

"It was very quickly noticed, and email recall procedures were implemented to reduce the number of accounts that received it," Aranda said in a release shared with Newsweek. "The Marine Corps takes the protection of individual Marines' private information and personal data very seriously, and we have steps in place to prevent the accidental or intentional release of such information."

Officials believe the leak was a mistake, and Aranda said the incident remained under investigation as victims are notified.

He added: "We...will make any required changes to better safeguard how we collect and store data to prevent this incident from happening again."

Leaked military information of this nature, especially detailing troops on active duty, can be used to steal identities, impersonate victims and conduct financial fraud.

In March 2015, the Islamic State militant group (ISIS) claimed to have compiled a so-called "kill list" containing the personal information of dozens of U.S. Marines and sailors pilfered from social media websites and internet message boards. After the details were posted online, U.S. Central Command urged servicemen and women to "maintain a heightened sense of vigilance."

On Facebook, U.S. Central Command wrote: "Adversaries and malicious cyber actors continue to use any method possible in an attempt to gain access and exploit any information they can. I ask that you maintain vigilance and continue to safeguard yourself and your family's security while interfacing on the internet and participating in social media."

In March 2017, the U.S. Armed Forces was embroiled in a separate scandal after nude photos of female soldiers were found in circulation on social media.

An investigation was launched after it emerged that a members-only page called Marines United was hosting the images. The group, which had roughly 30,000 participants before being closed down, prompted officials to pledge urgent changes would be made to Marine culture. In June last year, a U.S. Marine pleaded guilty after being court-martialed over the "nonconsensual sharing of explicit photos."

Leak Of 23,000 Private Keys Triggers Security Scramble

By Mathew J. Schwartz

Gov Info Security, March 1, 2018

Digital certificate reseller Trustico is sparring with certificate authority DigiCert, which recently took over Symantec's digital certificate business, over a serious security incident.

In dueling press releases, both companies accuse the other of unorthodox procedures regarding 23,000 digital

certificates issued by Trustico. The private keys of those certificates have been leaked.

Digital security certificates create an encrypted connection using public key cryptography, typically indicated by "https" and a padlock appearing in the URL window of a browser. Browsing traffic can be intercepted, but if the data traffic is encrypted, it can't be read.

Trustico isn't saying how the 23,000 certificates may have been compromised. But the implication for websites using the certificates is clear: If the private key for the digital certificates has been exposed, it means an attacker could perform a man-in-the-middle attack and read the traffic.

DigiCert is in the process of revoking the certificates and has terminated its relationship with Trustico. For Trustico, the situation doesn't look good, contends Troy Hunt, an Australian security expert.

"To be honest, a large part of the problem here is that Trustico is not providing the industry ... with enough information to establish what did actually happen," Hunt says. Emailed Private Keys

To get into the conflict requires a bit of history, and as with anything involving digital certificate vendors, it's a tortured one.

In mid-February, Trustico stopped offering Symantec-branded digital certificates. Last year, Symantec sold its certificate business to DigiCert following a conflict with Google.

Google alleged Symantec didn't properly control its digital certificate-issuing infrastructure, issuing tens of thousands of improper certificates, including ones for Google domains. As a result, Google has a phased plan underway for its Chrome browser to distrust nearly all Symantec-issued certificates by October (see Don't Delay: Replace Symantec TLS/SSL Certs Now).

In early February, Trustico sent notice to DigiCert to revoke all of the security certificates it had ever issued, which numbers around 50,000. But the email went to the wrong address. Eventually, though, DigiCert was alerted.

Trustico needed DigiCert's cooperation because the company now holds Symantec's root certificates, which are needed for revocation. The certificates in question were issued under various brands that came from Symantec's acquisitions over the years, including Thawte, GeoTrust and RapidSSL.

DigiCert alleges in a press release that it asked Trustico for proof that the certificates were compromised, which it did not provide. DigiCert, under the assumption that the certificates were already compromised, asked Trustico to email the private keys, which it did. Trustico then emailed in plaintext format the private keys for 23,000 certificates – arguably the fastest but not the safest way to get the revocation process going.

By virtue of its having emailed the private keys in an unprotected form, DigiCert said it was left with no option but to treat the certificates as having been compromised. DigiCert then notified the holders of those certificates, which is required under the CA/Browser Forum Baseline Requirements.

The emailing of the private keys was unorthodox, but it didn't matter: Around 20,000 of the keys have so far been confirmed compromised via Certificate Transparency logs. The keys are in use, which makes this a serious security issue.

But after DigiCert notified holders of the affected certificates, Trustico accused DigiCert of hijacking the notification process. Trustico further disputes that the keys were compromised.

Zane Lucas, Trustico's general manager, wrote on the Mozilla dev group: "We didn't authorize DigiCert to contact our customers, and we didn't approve the content of their email. At no time had any private keys been compromised, nor had we ever informed to you that any private keys had been compromised."

Given the confusion over whether the keys had been compromised, DigiCert says it decided to revoke the keys on the basis that the information had been sent via email.

"As a CA [certificate authority], we had no choice but to follow baseline requirements," DigiCert writes. Not Private Anymore

It's unclear how the private keys were compromised.

Typically, issuers of certificates should never hold the private keys. But hosting providers and content delivery networks sometimes do hold the private keys for customers on certain kinds of hosting packages.

Trustico has indicated that the blame for the key situation lies with the long-running trust issues around Symantec. Lucas writes that Trustico felt that the certificates it sold under the Symantec brand name – generated by Symantec's infrastructure – "were at risk."

"We were also a victim whereby Symantec mis-issued SSL certificates owned by us," he writes. "Subsequently, we were asked to keep the matter quiet under a confidentiality notice."

Lucas also writes that Trustico questioned Symantec for more than a year, but the company allegedly "ignored our concerns." Eventually, he writes that Trustico felt it didn't want to have any certificates left on Symantec – now DigiCert's – systems.

But DigiCert says it rejects Trustico's intimation that its request to revoke the 23,000 certificates is related to Google's eventual distrust of all Symantec certificates.

"That is incorrect," DigiCert says in its press release. "We want to make it clear that the certificates needed to be revoked because Trustico sent us the private keys; this has nothing to do with future potential updates." What To Do

So what should administrators do? It's probably a good idea to replace any Trustico digital certificates as quickly as possible. Although efforts are underway to see if the other 27,000 or so certificates are also compromised, it's probably best to stay on the safe side.

DoD's Shanahan Preaches Religion On Cybersecurity

MeriTalk, March 1, 2018

With the passion of an evangelical, Deputy Defense Secretary Patrick Shanahan preached the Defense Department's (DoD) "uncompromising" approach to cybersecurity last month at the AFCEA West conference in San Diego. And, his sermon included spreading the responsibility for cybersecurity to industry as a condition of winning contracts.

Shanahan said that the critical nature of cybersecurity—and its use of commercially-provided products and services—requires that DoD ensure the security of its partners. "We want the bar to be set so high, it will become the condition of doing business," he said, according to media reports from his conference keynote, in which he discussed the National Defense Strategy released in January.

As part of his proposed policy, "instead of having a financial disclosure statement, we want you to sign a cyber disclosure statement that says, 'Everybody you do business with is secure,'" he said. While acknowledging that it won't happen overnight, he said, "we need to get to that level because your secrets, our secrets are exposed."

Shanahan didn't expound on how DoD and vendors would implement his plan, but this type approach is not without precedent. During his talk, for example, he mentioned his three decades at Boeing, where product safety and reliability were baked into the process.

"I think this analogy is very appropriate," said Adam Bosnian, executive vice president of security company CyberArk. The kind of disclosure Shanahan talked about might be new in cybersecurity, but the Food and Drug Administration takes a similar tack in ensuring that products meet established standards before manufacturers can make claims about them. Underwriters Laboratories offers another example, confirming that electronic devices are safe before they can use the UL logo.

"Disclosures of this nature can communicate a higher level of assurance to customers, while forcing vendors to do 'more than nothing,'" said Bosnian. While there is no guarantee of 100 percent security for anything, Shanahan "is starting a much-needed dialogue in the industry," he continued. "This is a responsibility that the vendor community should embrace and can no longer kick down the road for someone else to deal with."

DoD officials have often talked about the need for a "whole of government" and even "whole of nation" approach to cybersecurity, in light of its reliance on Internet-based operations and the extent—growing every day—of devices transmitting data through the department's networks, which contributes to a growing attack surface. The potential vulnerabilities are compounded by persistent and increasingly sophisticated attacks by adversaries, both state-sponsored and from elsewhere. "We are particularly concerned as adversaries probe and even exploit systems used by government, law enforcement, military, intelligence, and critical infrastructure in the United States and abroad," Navy Adm. Michael Rogers, commander of U.S. Cyber Command and director of the National Security Agency, told Congress last year.

An important part of defense in cyberspace is cyber hygiene—best practices that ensure that every precaution is being taken. Congress last year ordered the National Institute of Standards and Technology to come up with voluntary cyber-hygiene guidelines. DoD wants to make sure that any best practices also apply to vendors working with the department.

Shanahan's proposed policy could help ensure the security of products, not just as stand-alone units, but in how they work in conjunction with others, said CyberArk's Bosnian, whose company has taken a similar approach with its C³ Alliance, in which more than 50 companies collaborate to identify vulnerabilities in products and build in protections before they hit the market. "This is where the DoD could have a major impact," he said, "forcing the same level of cooperation amongst the vendors who want to work with the agency."

While cybersecurity often seems like an impossible cross to bear, Shanahan's shared responsibility and accountability model will find many converts. If DoD's prepared to put its money with its hallelujahs, industry will likely say amen to that.

Can Congressional Bipartisanship Around Cybersecurity Survive The Russia Probes?

Inside Cybersecurity, March 1, 2018

Lawmakers from both parties this week said the traditional bipartisan approach to cybersecurity will endure on Capitol Hill, even as Adm. Mike Rogers' comments before a Senate panel — that he hasn't been ordered to counter Russian activities aimed at U.S. elections — roiled the political waters.

Rogers, the outgoing head of U.S. Cyber Command and the National Security Agency, told the Senate Armed Services Committee on Tuesday that he hasn't received a direct order from President Trump to...

Indonesian Police Arrest 14 Suspected Members Of Radical Islamist Cyber Network

By Vincent Bevins

Washington Post, March 1, 2018

JAKARTA, Indonesia — Indonesian police announced on Thursday the arrest of 14 members of a network called the Muslim Cyber Army, which they say has been using hacking, online misinformation campaigns and hate speech to push the world's fourth most populous country in a more conservative direction.

Mohammad Fadil Imran, director of the Indonesian national police cyber crimes unit, said the suspects are accused of defamation, spreading false reports and racial and religious discrimination, among other crimes. They were found in various regions of Indonesia, he said, and more may be detained.

"The operation is ongoing, and new developments may emerge soon," Imran said. "We were able to use common, basic technology to track them down."

Analysts believe that social network campaigns — including fake news, or "hoax" news as it is called here — have helped drive a slow lurch to the right in the world's largest Muslim-majority country.

According to police and expert accounts, Muslim Cyber Army, MCA, is a name used by a loosely connected network of groups that mostly produce online content for open distribution on platforms such as Facebook and the WhatsApp direct messaging service. The groups are also accused of infiltrating other users' accounts and publishing the private information and locations of their enemies — a process known as "doxing."

The network allegedly spread rumors that the country's Islamic clerics were under attack and that the Indonesian Communist Party — banned since 1966, after it was decimated by the military — was being resurrected. Both claims provoked a violent response from Indonesian conservatives.

Imran said he could not confirm earlier reports in the Indonesian media that a wanted member of the group is at large in South Korea or elsewhere.

A number of groups reportedly operate in the Muslim Cyber Army network using different names, such as the Family MCA, the United MCA, the Legend MCA, Special Force MCA, Muslim Sniper and MCA News Legend.

Despite their militant names the groups began with legal, nonviolent political aims, according to Damar Juniarto, founder of digital rights group Southeast Asia Freedom of Expression Network, who has been tracking MCA since last year. Only later did they turn to illicit activities, and with serious consequences, he said.

"Their activities have led to people losing their jobs, being kidnapped or even tortured," Juniarto said. "Indonesian

society was already divided, but they have provided fuel for hatred and had a significant impact on politics here."

Some of the MCA groups want Indonesia's traditional military elite reelected, according to Juniarto's research, while other, more radical groups want a caliphate or sympathize with global Islamist groups that advocate violent jihad. But all are united against what they perceive as excessively liberal or secular politics.

Indonesia is a democracy led by moderate President Joko Widodo, who took office in 2014. But over the last year, his government has been under attack from an insurgent religious right. Last year, former Jakarta governor Basuki Tjahaja Purnama, a Christian of Chinese descent and a Widodo ally known as "Ahok," was jailed after being accused of blaspheming Islam.

The successful movement to jail Ahok was propelled by mass protests coordinated on social media, as well as selectively edited footage of comments he made about the Koran.

Conservatives have also succeeded in inserting legislation banning gay sex and sex outside marriage into a planned revision to the criminal code, and many hard-liners hope to unseat Widodo in elections next year.

In September, a group of self-styled anti-communists attacked a conference that was convened to discuss the 1965 massacre of 500,000 to 1 million suspected leftists after false reports spread on social media that the researchers and human-rights activists were actually there to bring back the Indonesian Communist Party (PKI). The mob surrounded the building, throwing rocks and shouting "Allahu akbar" and "Kill PKI," according to those trapped inside all night. Police are trying to sort out which groups spread which rumors, and who committed crimes.

Indonesia, a country of more than 260 million people, is home to millions of Christians, Buddhists, Hindus and followers of Confucianism. They are protected from blasphemy and discrimination by Indonesian law.

Cania Irlanie, a political science student who appeared on television debate show last year and publicly opposed laws infringing on LGBT and individual sexual rights, said she was specifically targeted by MCA groups. They circulated images of her, accusing her of blasphemy, until she was receiving constant death threats, she said.

"I'm not sure if they broke the law when they targeted me specifically, but they have definitely affected my life, and I worry about my future," Irlanie said. "Soon even my university teachers were attacking me. I knew how bad this had become when I went to the mall, and a group of old women recognized me, and began pointing at me like I was the daughter of Satan."

Cyberattackers Would Like To Move In With You. Here's What To Do.

By Tom Gillis
Forbes, March 1, 2018

I have been working in the cybersecurity industry for nearly 20 years. As we rotate from one security disaster to the next, those of us in the industry tend to lose sight of how we are doing overall. The industry has certainly made significant strides with big breakthrough technologies in machine learning and major vulnerabilities, such as Intel's Meltdown, which was discovered by "good guys"—security researchers who found the flaw to fix before it could do widespread damage. But if we look at the impact that security breaches have had on society, it's hard to argue that the good guys are winning. The breach at Equifax impacted a meaningful percentage of U.S. credit card users, and permanently tarnished a major pillar of our commerce system. The CEO of Target lost his job after a major cyber breach. And perhaps most significant, the U.S. intelligence community has built a strong case that Russian hackers meddled in the 2016 U.S. presidential election, including breaking into the Democratic National Committee servers. All of these attacks have had a major impact on our society.

While the particular tactics these attacks employed varied quite widely, all three had one thing in common. Persistence. The attackers were able to penetrate systems and embed themselves into those systems for a long period of time— may be as much as a year— allowing them ample time to gather damaging information.

Think about this problem in real-world terms for a moment. If someone broke into your house and stole your laptop, you'd be damaged and upset, no doubt. Now imagine if someone broke into your house, stole your laptop, and stayed in your house FOR A YEAR listening to every conversation, looking at your credit card bills, watching your every move. It's absurd, but this is what is happening on the front lines of cyber today.

The industry must respond to these tactics. We can't simply take an incremental approach to our security tools. The majority of tools rely on some type of signature or sample of an attack to train the systems to respond. The problem with this approach is that it is not effective on attacks that haven't been seen before. And in today's cyber environment, most virulent attacks have a population of one, meaning there is no signature or reactive defense.

We have to accept that software has bugs, and it always will. Which means a motivated attacker WILL find their way onto a server in the data center. The focus of next-generation security tools needs to be not on closing these vulnerabilities, but on limiting what an attacker can do once they land on a system. The best defense is a strong

offense—data center security needs to get proactive and keep the bad guys from moving in for a year.

Cybersecurity Skills Shortage | CSO Online

By Jim Kennedy
CSO Magazine, March 1, 2018

PwC's 2018 CEO survey has highlighted a continued hardening of global attitudes to security, with the top four threats to business growth prospects now including terrorism, geopolitical uncertainty, over-regulation and cyber threats. This shift is reflected by the language now used publicly – by government and business leaders alike – as highlighted by the US Department of Homeland Security's recent announcement of its investigation into an attack on a critical infrastructure facility. There is growing rhetoric that the risk of sponsored cyber-attacks on (inter)national infrastructure could cause economic chaos.

But after endemic under-investment in skills development for over a decade, Jim Kennedy, VP & GM Americas, Certes Technology, explains it is time for a significant change in approach to safeguard business. Supply versus demand

Organizations now recognize that investment in security is a necessity. Yet with a current estimated 350,000 open cyber security positions in the US, and a predicted global shortfall of 3.5 million cyber security jobs by 2021, the industry clearly has a massive problem regarding supply and demand. And while it is fair to say that the escalation in cyber threats has created an unprecedented need for individuals with skills, talent and experience, it is a combination of chronic under-investment in training and education; market misalignment and a lack of self-marketing that is at the heart of the skills shortage problem.

So where did we go wrong? The ramifications of the massive spike in outsourcing a decade ago are now being felt. When swathes of technical experts migrated across from public sector to private sector organizations, a history of training, education and skills development was lost. These individuals are now leaving the industry and their skills have never been replaced. The result is escalating demand and a pool of resources that continues to shrink by the day. Rethinking education

There are so many flaws in the current model. The industry is frankly appalling at selling itself; at inspiring the next generation by demonstrating that IT can be an exciting and financially rewarding career. In addition, training has over the past decade become almost exclusively product focused – with vendor 'academies' teaching individuals about specific product sets, rather than security framework requirements, a move that has further weakened the depth of expertise offered by any one individual.

This approach is simply not sustainable – for IT providers or organizations desperate to access essential

cyber security skills. Right now, the small pool of talent is able to demand ever higher rates, making essential cyber security unaffordable for all but the largest and most successful businesses.

The only way organizations will be able to address the huge demand for cyber security skills will be to take control and invest. And that means shifting away from outsourcing and a reliance upon expensive contractors towards re-insourcing key services, including security: the onus is now on companies to build up their own expertise in-house.

At the same time, the IT industry needs to step up and invest in training – true, agnostic training, not product specific, ersatz sales education. If the next generation of cyber security individuals are going to be able to make the right decisions, they need an excellent grounding in security – from compliance to standards, including GDPR, PCI and ISO 20001. It is only with that in-depth understanding of end to end security issues that individuals will be able to create a robust security infrastructure supported by the right product choices. Signs of improvement

Fortunately, we're starting to see recognition at a national level that current approaches are unsustainable. Quietly, the regulatory community has been gearing up public-private partnership efforts to be proactive on cyber threats and has now successfully engaged academia. The Cybersecurity Workforce Alliance (CWA) is a tripartite workforce-engagement model that includes the public sector, private sector and academia which has been working since 2015 to accelerate cybersecurity readiness in entry-level candidates.

It's 'industry-first' approach is designed to align industry's specific needs and graduates' expectations with the job roles and responsibilities needed to model a curriculum — at the beginning of a student's tenure.

Likewise, in the UK, a new National College of Cyber Security sited at the home of the WWII code-breakers, Bletchley Park, will open in 2019, fostering the development of home grown talent. In parallel, the UK's National Cyber Security Centre has published new advice for industry based on 14 key principles aligned with existing cyber-security standards to help organizations understand what they need to do to implement essential cyber security measures.

While positive early steps, these approaches do unfortunately only mark the beginning of our journey to close the cyber security skills gap. This vital issue will require sustained focus and deep collaboration between the public sector, private sector organizations including the IT industry itself, and academia.

From vendor agnostic, standards and skills-based training to a commitment to inspiring the next generation to join the industry in the first place, everyone demanding a solution to cyber security skills shortage today needs to step up and become part of the solution – not the problem.

This article is published as part of the IDG Contributor Network. Want to Join?

Cybersecurity Conference Takes Heat For Booking Just One Woman Keynote: Monica Lewinsky

By Jessica Guynn

USA Today, March 1, 2018

SAN FRANCISCO — The RSA Conference, one of the world's largest cybersecurity gatherings, is taking heat for having just one female keynote speaker out of 22 this year: anti-bullying activist Monica Lewinsky.

Conference organizers say the keynote line-up isn't final — RSA has invited Homeland Security Secretary Kirstjen Nielsen to speak, but she hasn't confirmed. And, they say, 20% of total speakers slated for this year's conference will be women, reflecting average attendance at RSA, which drew 43,000 attendees last year.

They pin the blame on the technology industry, which skews heavily male, and to the niche field of security, where 11% of positions worldwide are held by women, according to a recent estimate from research firm Forrester.

"A diverse speaking program starts with increasing diversity within the technology sector, which needs to be addressed by the industry as a whole," spokesman Ben Waring said in an emailed statement to USA TODAY.

For critics, this is yet another in a long line of excuses for excluding women from the main attraction at technology conferences and perpetuating the stereotype that women are not leaders in their fields. And some security professionals are speaking out.

"Monica Lewinsky is a wonderful and highly relevant speaker, but it's disappointing to see the complete lack of representation by women who are actually in the field among the keynotes," Leigh Honeywell, a security engineer and frequent speaker at technology conferences who's currently a technology fellow at the ACLU, said of the RSA line-up.

In a letter sent Thursday, human and digital rights, nonprofit Access Now called on RSA to explain the lack of gender parity and to take immediate steps to rectify it "transparently and in close collaboration with affected communities, experts, and relevant stakeholders."

It also asked RSA to create new policies and procedures "to ensure that this never happens again."

In a statement to USA TODAY, Lewinsky is also working to get RSA to overhaul its line-up.

"I learned about this from Twitter yesterday and immediately began addressing it with the conference organizers through my speaking agent," she said. "I'm disappointed by this oversight but RSA has about six weeks until the conference, so I'm optimistic that the matter will be rectified by then."

The blowback, which hit social media this week, mirrors the controversy that engulfed this year's massive tech confab CES, where all the solo keynote addresses were all delivered by men.

"If you're building security and privacy for everyone, you have to account for a huge spectrum of people's circumstances and concerns about their data. You also need to take advantage of the full spectrum of talents and perspectives available if you want to come up with the best solutions," said Parisa Tabriz, a Google engineering director.

"Today, women and other marginalized groups are regularly underrepresented, across the industry. We have to do better."

The dearth of women headliners has only recently begun to receive widespread attention outside the tech world.

For decades, tech trade shows have enlisted mostly men to speak to the mostly male audiences, turning them into professional obstacle courses for women, who encounter sexism and stereotypes, harassment and sexual assault and "booth babes," scantily clad women hired to lure conference goers to vendor booths.

In 2015, RSA banned booth babes, but continued to hand out keynote addresses to mostly men. Of the 22 keynote speakers this year at RSA, 20 are from the security field and all 20 are men, including Christopher D. Young, CEO of McAfee, and John N. Stewart, chief security and trust officer of Cisco.

Lewinsky, the only woman currently on the roster, is scheduled to speak on "survival, resilience, digital reputation and equality." Just two out of 22 RSA keynote speakers were women in 2017 and two out of 28 speakers in 2016.

Prominent figures from the security world added their voices to the growing criticism.

On Twitter, Facebook's chief security officer Alex Stamos offered up a list of qualified women keynote speakers and proposed a competing conference featuring women left off RSA's keynote list.

"Maybe it's time to rent out the Metreon again for an alt-conference, this time all women speakers (with me handing out popcorn). Anybody game?" he wrote.

The wave of negative attention may undermine efforts by the security industry to be more inclusive. According to Forrester Research, the industry is facing an acute skills shortage that is being exacerbated by gender bias.

By 2022, security is projected to have 1.8 million unfilled jobs around the world. If the industry is to fill those positions, it will need to recruit, retain and promote women, the study released earlier this month found.

Excluding women from the keynote roster sends the message that women are not welcome in the security field, Access Now said in its letter.

"This is a message that will be heard not only by the attendees, but by organizers of other conferences that look to

RSA Conference as a source for guidance," the letter reads. "The bigger danger is that we could see this message — and mindset behind it — reflected in hiring, development, and operational decisions across the sector."

OTHER DHS NEWS

Kelly: I Didn't Want To Leave DHS, But 'God Punished Me'

By Brett Samuels

The Hill, March 1, 2018

White House Chief of Staff John Kelly joked on Thursday that he didn't want to leave his position at the Department of Homeland Security (DHS), but "God punished me."

"The last thing I wanted to do was walk away from one of the great honors of my life, being the secretary of Homeland Security, but I did something wrong and God punished me, I guess," Kelly said at an event marking DHS's 15th anniversary.

President Trump in July 2017 appointed Kelly as his chief of staff, moving him to the White House from his position at Homeland Security.

Kelly said he felt he had "no right" to sit on stage with other former DHS leaders, and told the crowd of department staffers he missed them "every day."

"I wish I had worked harder in the six months I had in the job to not only better protect the men and women that get beat up so badly every day, but to really advertise in a much more effective way how good you are," Kelly said.

Kelly, a retired Marine general, was appointed to lead DHS in January 2017, but only served in that role for six months before he was tapped to replace Reince Priebus at the White House.

Speculation has swirled at times that Kelly would quit or be fired, and he would be one in a double-digit line of staffers leaving the White House amid tensions with the president. Trump has consistently praised Kelly for doing a "fantastic job," including as recently as January.

"Thank you to General John Kelly, who is doing a fantastic job," he tweeted.

Thank you to General John Kelly, who is doing a fantastic job, and all of the Staff and others in the White House, for a job well done. Long hours and Fake reporting makes your job more difficult, but it is always great to WIN, and few have won more than us!— Donald J. Trump (@realDonaldTrump) January 23, 2018

However, Kelly has faced heightened scrutiny in recent weeks for his handling of domestic violence allegations against ex-White House staff secretary Rob Porter.

Porter resigned in February after reports emerged that his two ex-wives accused him of domestic abuse. Kelly

reportedly knew about the abuse allegations before they became public and initially continued to defend Porter after the first reports came out.

Kelly has not explained why he did not cut ties with Porter after the FBI notified the White House about the allegations that turned up during the staffer's background check.

He later said the matter was "all done right."

Kelly On Leaving DHS: 'God Punished Me, I Guess'

By Tal Kopan

CNN, March 1, 2018

Washington (CNN)White House chief of staff John Kelly expressed some regret about leaving the Department of Homeland Security for his current job, suggesting he was being divinely "punished."

Onstage at a DHS anniversary event Thursday featuring current and former secretaries, Kelly noted his short tenure as secretary – six months – and got rousing applause from a department audience that clearly still held him in high esteem when he said he missed "every one" of the employees "every day."

"Truly six months – the last thing I wanted to do was walk away from one of the greatest honors of my life, being secretary of homeland security, but I did something wrong and God punished me, I guess," Kelly quipped.

Kelly left the job of DHS secretary in July when President Donald Trump tapped him to be his second chief of staff. Kelly's tenure in the White House has been rocky of late, after a series of controversies involving domestic abuse allegations against former aide Rob Porter, disparaging comments Kelly made about immigrants and reports of feuding among the staff.

As he entered the event Thursday, Kelly was upbeat, telling CNN that things at the White House were "pretty good," in his opinion.

"Too much work, too hard. We're all doing the Lord's work, though," he added.

On the panel, Kelly demonstrated his continued efforts to bolster the rank-and-file of DHS, saying they take "face shots" regularly that aren't fair. Especially under the Trump administration's aggressive immigration agenda, Immigration and Customs Enforcement and the Border Patrol have faced special criticism from advocates, who say they are overstepping their bounds in cracking down on undocumented immigrants.

Kelly was asked on the panel if he had any regrets, besides an interjection from current Secretary Kirstjen Nielsen, his former deputy, that his regret was "to stay," prompting laughter from the crowd.

"I wish I had worked harder in the six months I had the job to ... not only protect the men and women that get beat up so badly every day but to really advertise in a much more effective way how good you are," Kelly said. "You take the face shots every single day from people who don't have a clue what they're talking about or have an agenda against you. I did the best I could."

John Kelly Jokes About Leaving DHS For White House: 'God Punished Me, I Guess'

By Jessica Estepa

USA Today, March 1, 2018

Is White House Chief of Staff John Kelly happy he's, well, White House chief of staff?

While speaking at a Thursday event commemorating the 15th anniversary of the Department of Homeland Security, Kelly said he hadn't wanted to leave his post as its secretary, which he only held from January to July last year.

"Truly, at six months, the last thing I wanted to do was walk away from one of the great honors of my life, being the secretary of Homeland Security," he said. "But I did something wrong and God punished me, I guess."

Kelly joined the White House last summer to replace Reince Priebus as chief of staff, a job that requires him to wade into the various politics, policy and personnel issues of the administration. Most recently, he faced scrutiny over his handling of spousal abuse allegations leveled against Rob Porter, the White House staff secretary who resigned earlier this month.

Other White House advisers have insisted that President Trump still has "full faith" in Kelly.

During the DHS event, Kelly also said he had "no right" to be onstage with two other former homeland security secretaries and current Secretary Kirstjen Nielsen.

"I miss everyone one of you every day," he told the audience, drawing laughter and applause from the crowd and leading him to smile and roll his eyes.

WH Chief Of Staff Kelly Jokes That He Did Something Wrong And God Punished Him : NPR

NPR, March 1, 2018

President Trump's chief of staff John Kelly, who has attempted to bring order to a chaotic West Wing, joked Thursday he's not sure what he did to wind up in his current position.

At an event marking the 15th anniversary of the Department of Homeland Security, Kelly said "the last thing I wanted to do was walk away from one of the great honors of my life, being the secretary of homeland security, but I did something wrong and God punished me, I guess."

Kelly, appearing on stage with two other former DHS secretaries and the current holder of the position, Kirstjen Nielsen, drew laughs when he said he had "no right" to be on stage with them. Kelly told the audience of DHS staffers he missed them "every day."

Kelly was President Trump's first homeland security secretary, and remained in the job for six months before Trump tapped him to replace Reince Priebus at the White House.

Kelly has been under intense scrutiny following revelations that former White House staff secretary Rob Porter had been granted an interim security clearance despite a background check revealing domestic abuse allegations by Porter's two ex-wives — allegations which Porter has denied.

Border Protection Officer Saves Newborn's Life By Unwrapping Umbilical Cord From Neck

By Katherine Lam

Fox News, March 1, 2018

U.S. Customs and Border Protection Officer Justin Dina delivered the baby boy last week and unwrapped the umbilical cord from around the infant's neck. (U.S. Customs and Border Protection)

A U.S. Customs and Border Protection officer saved a newborn's life by unwrapping the umbilical cord from around the baby's neck during delivery, the agency said on Wednesday.

Customs and Border Protection Officer Justin Dina was working in Port of Brownsville, Texas, last week when he helped deliver the baby boy.

Dina used previous paramedic training and safely unwrapped the umbilical cord around the newborn's neck during the birth.

"A baby boy was safely delivered at the Port of Brownsville last week, thanks to the lifesaving skills of #CBP Officer Justin Dina, who used his previous training as a Paramedic to unwrap the umbilical cord from around the newborn's neck," the agency posted on Twitter Wednesday night.

The mother and newborn, who were not identified, are doing well after the birth.

An umbilical cord wrapped around a baby's neck, called nuchal cord, occurs in about one-third of babies when they are born. The complication usually doesn't pose as a risk, but at times can cut off normal blood flow and oxygen.

Katherine Lam is a breaking and trending news digital producer for Fox News. Follow her on Twitter at @bykatherinelam

Border Patrol Agent Sentenced To 18 Months For Stealing \$100k In Gun Parts

Arizona Daily Star, March 1, 2018

A Border Patrol agent was sentenced to 18 months in prison Wednesday for stealing \$100,000 worth of agency-owned gun parts and equipment.

Jesus Manuel Franco, 40, was convicted in October by a jury in U.S. District Court in Tucson of theft of government property and unlawful possession and transfer of a machine gun.

Franco was accused of shipping 47 boxes of scopes, gun barrels, magazines, body armor, and other equipment from the Border Patrol armory in West Virginia to the Willcox station. Some of those boxes were taken by another agent, who was acquitted of all charges, to the agent's house in Vail.

Franco faced up to 10 years in prison for each of the three counts. Federal prosecutors Jane Westby and Sarah Houston asked Judge Cindy K. Jorgenson to sentence Franco to 41 months in prison, while defense lawyer Sean Chapman asked for a sentence of probation, according to sentencing memorandums.

Chapman filed a notice of appeal for the conviction and sentence Thursday.

GLOBAL MEDIA

Nearly 1 Percent Of Haiti's Population Has Fled To Chile

By Jacqueline Charles

Miami Herald, March 1, 2018

SANTIAGO, CHILE — A day's work. That's all Benissont Joseph needed.

As he stood by the side of a dusty road in a country more than 3,500 miles from home, clutching his backpack and a phone, he prayed: Please let one of the passing cars or trucks stop and give me a job.

This was not what he had envisioned for his new life in Chile. In October, before he left Haiti, the 28-year-old had considered going to Brazil or Mexico, the route for previous waves of Haitian migrants hoping to eventually make it to the United States, but he ruled those countries out after recent changes in U.S. immigration policy left thousands stranded at the U.S.-Mexico border.

So he gambled on Chile, a place that he'd heard about from others who had left as a country that still opened its arms to strangers without visas. He scraped together \$1,200 for the airfare, flew 11 hours and wound up here: alone on a country road on a chilly morning, 19 miles north of the capital city of Santiago, hoping for a day laborer's gig.

Chile is anything but a land of boundless opportunities, he has realized.

"Chile is a real deception. It's utter desolation," said Joseph, as he kept an eye out for slowing cars that might signal work while also checking his cellphone for job leads so

he could pay his \$134 January rent. "But better you're here than you are not."

A country built mostly on white migration from Europe seems like an unlikely landing spot for Haitians. Yet nearly 105,000 flocked here in the last year — the equivalent of 1 percent of Haiti's population — according to Chile's border police. And hundreds continue to arrive daily, fearful that they may no longer be welcomed when a new Chilean government takes office on March 11.

The exodus is being driven by the French and Creole-speaking nation's young people, both educated and uneducated, and particularly the rural poor. Mostly male, between the ages of 15 and 44, this group of migrants is propelled by a growing sense of hopelessness about what the future holds in Haiti.

And they're part of a global migration trend of working-age people seeking a new start in higher-income countries, according to the United Nations International Organization for Migration.

In the case of Haiti, a series of natural disasters in the Caribbean nation coupled with a stagnant economy, and the imposition of harsher immigration policies in the U.S., the Dominican Republic and other traditional destinations, have fueled the shift in Haitian migration patterns to Latin America. Chile, with its stable economy, is increasingly replacing the U.S. as a promising destination for young Haitians.

"Chile has become an alternative," said Rodrigo Delgado, mayor of Estación Central district in Santiago, which receives about 150 migrants — mostly Haitian — a day, some arriving at the city's migrant office with suitcases still in hand. "And when someone has made the decision that they want to leave ... they are going to do what they can."

The journey often starts with hardship, even before departure from Haiti. Joseph spent 11 days sleeping in a park at Port-au-Prince's international airport with hundreds of other Chile-bound passengers before he resorted to slipping an airline employee \$100 to confirm a seat on a flight, he said.

"You go to school, finish your studies and learn a profession. But if you don't have a godmother or a godfather looking out for you, you can't work," said Joseph, repeating a familiar complaint about Haiti's who-you-know nepotism culture. "That's not a life. You're forced to leave."

Five years ago, opportunities in Chile were more plentiful. There were fewer Haitians, and Chile's economy was stronger. Now, Haitians face the shock of a new culture, competition from an increasing number of Spanish-speaking migrants from Venezuela, and a sense that they aren't always welcome. Employers abuse and underpay them. Landlords crowd them into overpriced, closet-sized rooms. Scam artists try to sell them useless work contracts that could put them on the wrong side of the law.

Misled about the golden prospects in Chile, many struggle against loneliness, occasional episodes of racism

and resentment from some Chileans. Recently, a fight erupted in Estación Central between Chileans and unauthorized Haitian street vendors selling a popular chocolate-covered cookie called Super 8. The fight with sticks and fists was captured on video.

Even migrants who have found acceptance and a permanent home in Chile say the country is struggling to assimilate the Caribbean arrivals.

"We are new for the Chileans," said Richard Joseph, 40, a Haitian who came to Chile four years ago and was celebrated as a hero after saving a Chilean woman who had thrown herself from the ninth floor of a building in a suicide attempt. "Up to now, we blacks are new." Political and social discontent

Haitians starting trickling into Chile after Chilean troops were stationed in Haiti as part of a United Nations peacekeeping force in 2004 to stabilize the country after the bloody ouster of President Jean-Bertrand Aristide.

With every new Haitian political and economic crisis since, a new wave of people has shown up, making Haitians the fastest growing migrant community along with Venezuelans. As a result, Haitians have become a flashpoint in a debate over migration and Chile's immigration law that allows individuals to enter as tourists for up to 90 days and later apply for work visas and residency.

In 2010, there were 81 requests for permanent residency, but in 2016, that number had risen to 3,646, according to Social Development Minister Marcos Barraza.

Work visa requests, too, have soared — from 8,429 in 2015 to 35,277 a year later. And Haitians in Chile are increasingly wiring money home. Chile's Central Bank said Haitians sent back \$36 million in 2016 — five times more than they did in 2015.

In the Santiago metropolitan area, where most people are white, Haitians are a small but noticeable population. They're on street corners selling everything from ice cream to tennis shoes, driving Ubers with small Haitian flags dangling above the dashboard, or hanging out in the Plaza de Armas, the main public square, where the free Wi-Fi allows them to speak their native Creole as they call friends and family.

Farther north along bustling San Luis Avenue in the Quilicura district near the airport, restaurants advertise Haitian food alongside Chilean cuisine, a corner store flies a large red-and-blue Haitian flag, and sellers at a local street market woo shoppers in Creole-accented Spanish marked by Chilean expressions.

But not everyone is embracing this more diverse Chile.

A 2017 survey by Chile's National Institute of Human Rights found that 68 percent of Chileans want stricter immigration controls. Also, while many view migrants as "good workers," about 47 percent believe they are taking jobs from Chileans. And nearly 25 percent surveyed in the

metropolitan area believe that Haitians are "dirtier" than Chileans are.

Such perceptions, say migration advocates and scholars, underscore concerns that the influx may be generating growing feelings of racism against Haitians.

"You see them selling in street corners, working cleaning the streets ... and there has been police violence against Haitians," said Cristián Doña-Reveco, a Chilean migration expert who heads the Office of Latin American Studies at the University of Nebraska Omaha.

Haitians are also subject to exploitation, abuse and mistreatment as they seek work in construction and on farms, and other back-breaking manual labor.

Six weeks after arriving, Benissont Joseph found a three-week job building a pool. When he complained to his Chilean employer about the long hours, he was fired, he said.

"He owes me \$340, and has blocked my calls," Joseph said.

Critics say while Chile's central government has been receptive to the newcomers, it has not done enough to absorb the flow. A draft immigration bill promoted by President Michelle Bachelet came under fire from human rights and migration advocates as well as some mayors for focusing on border security rather than protecting migrants' rights. Parliament sidelined it in January.

"Migration frightens a lot of people," said Rodrigo Sandoval, Bachelet's former immigration chief, who resigned in protest over the proposal because he felt it failed to promote a legislative debate over Chile's migration policies.

During last year's presidential elections, migration figured prominently, with several candidates, including President-elect Sebastián Piñera, who comes into office in March, being accused of stoking anti-immigrant sentiments. Piñera, who said during the campaign that he wants to restrict foreigners' access to the public health system and limit migration to those who will contribute to the development of the country, blamed Chile's decades-old migration law for "importing evils like delinquency, drug trafficking and organized crime." Among his accusations: Many criminal gangs in Chile consist of foreigners.

"There is no solid proof that the number of migrants is having a negative impact," argued Peruvian lawyer and immigrant rights activist Rodolfo Noriega, who said there's a lot of uncertainty about what Chile's immigration policies will look like under Piñera. "I believe that the majority of migrants are making more contributions than what they are receiving back from the social welfare system."

Calling the tone of Piñera's campaign "strongly anti-immigrant," Noriega, who heads the National Coordinator of Immigrants, said the question is whether the new president will go through with some of his hardline proposals to appease the far-right elements of the conservative coalition that helped him win the presidency.

He's worried that migrant women with children born in Chile will be expelled, and noted that there have been calls to require travel visas for Haitians, a move he opposes.

"If they impose visa restrictions on Haitians, it would just increase an explosion in the numbers who are undocumented. They will just travel to Peru, Argentina or Bolivia and find a way to cross the frontier," Noriega said. "Closing your borders doesn't stop migration. It just drives it into the arms of traffickers." Waiting at the airport

At Port-au-Prince's Guy Malarly airport, the lines at the counters of two airlines that fly to Chile stretch outside most days. Hundreds sit calmly on their suitcases or huddle in the shade of trees, while others mill around in the parking lot and on the sidewalk awaiting their turn to travel to Santiago.

Because most of the tickets are purchased by friends or relatives in Chile through ticket brokers, and some have proven to be fraudulent, distrustful passengers arrive days in advance. The process of securing a seat is so fraught with worry that many raise their hands to the skies in a gesture of thanks to God when they finally board the plane.

No different from previous generations of Haitian migrants, they roll the dice, hoping that their South American destination will be better than the world they are leaving behind.

"This is despair," Richard Hippolyte, who manages the Haiti operations for Latin American Wings, said in February as he surveyed the line of young men and women waiting to be checked in. "They're trying to get something for themselves. Whether or not they succeed, that's another story."

Cottage industries have started springing up around the migration. Chile requires that migrants show they have at least \$1,000 in cash, so sharp-eyed middlemen provide the money — at a fee of 10 percent or more. Other opportunists circle the airport offering to arrange the trips. Haiti's government also has been cashing in, doubling the price of passports for first-time travelers.

Five months ago, Jacques Novembre was part of the line of Chile ticket-holders at the international airport during a particularly volatile period, when many were worried they wouldn't get out of Haiti. The crowds became so disruptive, blocking airport traffic and arguing with airline employees, that airport officials eventually moved the Chile gates to the less-crowded domestic airport.

Novembre and his wife, Viviane — who came to see him off — traveled for hours on a public bus to get to the airport from Gonaives in the Artibonite Valley, then endured drenching rains in a park across the street as they waited together for five days until his departure.

They had spent a year contemplating their decision. Work was hard to find in Gonaives, and it was becoming increasingly difficult to make ends meet from Viviane's food business.